

S.No.125

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-50162 of 2019 (O&M)

Date of Decision:02.12.2019

Sanjay Gupta

.....Petitioner

Vs.

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. S.S. Saron, Advocate for the petitioner.

Mr. N.S. Sidhu, Advocate for respondent No.2.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Sections 482/483 Cr.P.C praying for quashing of FIR No.150 dated 14.08.2018 registered under Sections 406, 420 & 120-B IPC at Police Station Phase-I, SAS Nagar, Mohali and the orders dated 26.03.2019, 26.04.2019, 30.05.2019, 08.06.2019, 10.07.2019, 18.07.2019, 27.08.2019 whereby the warrants of arrest were issued against the petitioner, as well as, the subsequent consequent orders, including order dated 18.09.2019, whereby petitioner has been declared proclaimed person.

At the outset, the counsel for the petitioner submits that for the time being, the petitioner does not press the present petition qua challenge to the FIR as such; and that he has been instructed by the petitioner, to restrict the present petition only qua challenge to the warrants issued by the Magistrate against the petitioner in the said FIR.

This Court has already considered the matter involved in this case, in CRM-M-47872 of 2019 – Gurjeet Singh Johar v. State of Punjab and another, decided on 08.11.2019 and has held that unless there is any specific legal hurdle in the way of the police in arresting a person without warrant, for removal of which the warrant by the Magistrate would be required, the Magistrate is not required to issue warrant of arrest against a

person. Still further, it has been held that at the stage of investigation, the accused cannot be declared as a proclaimed offender, mechanically, in a routine manner. The present petition relates to the same matter, as was involved in above-said CRM-M-47872 of 2019. However, it is pointed out that, in the present case, additionally, the order under Section 82 of Cr.P.C has also been passed; despite the fact that challan has not been filed before the Court so far.

In view of the above, the present petition is also allowed in the same terms as in CRM-M-47872 of 2019. Orders issuing warrant of arrest; impugned in the present petition, including the order whereby the petitioner was declared as a proclaimed person, are quashed.

However, the Police and the Magistrate, would be at liberty to take action only in accordance with law, if otherwise, required in the facts and circumstances of the case.

December 02, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No