

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

**CRM-M-52218 of 2018**

***Date of Decision: 23.12.2020***

Satbir

*.....Petitioner*

*Versus*

State of Haryana

*.....Respondent*

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Pardeep Chhoker, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

**HARINDER SINGH SIDHU, J**

Prayer is for quashing order dated 08.06.2018 passed by learned JMIC, Panipat declaring the present petitioner as proclaimed offender as well as FIR No.77 dated 02.07.2018 under Sections 174-A IPC registered at P.S Bapoli, District Panipat.

It is stated that father of the petitioner-Kalu advanced a loan of Rs.5,00,000/- from The Panipat District Primary Co-op. Agri & Rural Development Bank Ltd Branch Samalkha, District Panipat for the purpose of growing mushroom. It is alleged that the cheque issued by the complainant was dishonored leading into filing of the criminal complaint under Section 138 of the Negotiable Instruments Act, 1881 (for brevity “the Act”). Due to his non-appearance before the trial Court, the petitioner was declared proclaimed offender on 08.06.2018. It is stated that the petitioner caused appearance before the trial Court on 14.11.2018 and was admitted to bail. Meanwhile proceedings under Section 174-A IPC were initiated against him.

Learned counsel for the petitioner submits that the petitioner

was not aware of the proceedings and that he was served only through mother, who being senior citizen and illiterate lady, could not convey the petitioner of such legal proceedings. His absence was not intentional as the petitioner immediately after knowing of the order declaring him as proclaimed offender himself appeared before the learned trial Court and was admitted to bail, thus the continuation of criminal proceedings will be an exercise in futility. He relies on orders passed by this Court in **CRM No. M-32465 of 2017, titled as Vikas Sharma vs. Gurpreet Singh Kohli and Anr. decided on 13.09.2017, CRM-M-16449 of 2018 titled as Satish Kumar vs. State of Haryana and Anr, decided on 19.10.2019 and CRM-M-5895 of 2012 titled Raj Kumar vs. State of Haryana, decided on 13.09.2012.**

On the other hand, learned State counsel has opposed the petition.

Heard.

It is apposite to mention here that the petitioner filed a petition bearing CRM-M-52218 of 2018 and this Court vide following order dated 28.02.2020 dismissed the same as having been rendered infructuous, for want of prosecution.

*“Despite the case having been called twice, the petitioner has gone un-represented.*

*Perusal of file shows that on the previous date also i.e. on 30.07.2019, none came forward to represent the petitioner. Therefore, it can safely be presumed that the petitioner or his counsel is no more interested in pursuing the instant petition.*

*More so, learned State counsel submits that the instant petition has rendered infructuous, in view of production of petitioner before the trial Court.*

*In view of the above, the instant petition is dismissed for want of prosecution and as having been rendered infructuous, as well.”*

Since the petitioner had challenged the order, whereby he was declared as proclaimed offender, in this Court and he was allowed interim bail by this Court and later the petition was disposed of as having been rendered infructuous as the petitioner had appeared before the trial Court and had been granted bail, the continuation of criminal proceedings against the petitioner under Section 174-A would be nothing but an abuse of process of law.

Accordingly, this petition is allowed and FIR No.77 dated 02.07.2018 under Sections 174-A IPC registered at P.S Bapoli, District Panipat and all consequential proceedings, arising therefrom, are quashed.

**December 23, 2020**  
**manoj**

**(Harinder Singh Sidhu)**  
**Judge**

**Whether speaking/reasoned: Yes/No**  
**Whether Reportable: Yes/No**