

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 23.09.2021

CRM-M-6899 of 2021

101/3)

Satish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

2)

CRM-M-6905 of 2021 (O&M)

Satish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

3)

CRM-M-33371 of 2021 (O&M)

Satish Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vivek Gupta, Advocate, for the petitioner
in all the petitions.
Mr. Saurav Khurana, DAG, Punjab
Mr. Nirmaljeet Singh Sidhu, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

Cases heard by way of video conferencing.

CRM-M-33371 of 2021

By this petition, the petitioner seeks quashing of the order dated 26.07.2017, by which he was declared to be a proclaimed offender (actually proclaimed person), passed by the learned SDJM, Phul, in a complaint case instituted under Section 138 of the Negotiable Instruments Act, 1881, titled as "Sachin v. Satish.

He also seeks quashing of FIR no.98, dated 31.07.2017, registered at Police Station Phool, District Bathinda, alleging therein the commission of an offence punishable under Section 174A of the IPC.

As recorded in the order dated 15.02.2021 passed in CRM-M nos.6899 of 2021 and 6905 of 2021 (vide both of which the petitioner seeks to be admitted to anticipatory bail in the context of two FIRs, both registered under Section 174A of the IPC (the other FIR bearing no.45 dated 21.04.2017, registered at the same Police Station), learned counsel for the petitioner has referred to the report of the DSP, Tapa, as recorded in the order of the learned trial court dated 23.02.2017 (copy Annexure P-3 with CRM-M-6905 of 2021), to the effect that the petitioner was not actually residing at the address given in the complaint, at least since notice was issued in the complaint.

As a matter of fact, it is seen that though in that order it is stated to that effect, however, in the order passed by that court on 25.04.2017, as has been annexed as Annexure P-3 with CRM-M-6899 of 2021, what the DSP had reported thereafter was that he was absconding since the day that the other FIR was registered against him.

Obviously, it would seem therefore, that the petitioner was avoiding arrest/summons etc. issued in the complaint case, as also in the context of the FIRs registered against him, after he was declared to be a proclaimed person in one of the complaints.

Consequently, whether or not he was actually present at that address and whether he was ever actually served of the notices/summons/warrants issued, in either of the complaints leading to the registration of the FIR as is challenged in the present petition, that would be something that would need to be proved before the trial court by way of

evidence led by all sides.

Hence, as regards quashing of the FIR in question or quashing of the order declaring him to be proclaimed person, I find no ground to entertain this petition, which is consequently dismissed and the interim order passed on 18.08.2021 is vacated.

CRM-M-6899 of 2021

CRM-M-6905 of 2021 (O&M)

As already noticed herein above, vide these two petitions, the petitioner seeks to be admitted to anticipatory bail after the FIRs in questions registered, alleging therein the commission of an offence punishable under Section 174A of the IPC, in each FIR.

The petitioner having been surrendered before the trial court on 18.02.2021 pursuant to the orders passed in these two petitions by this court and having been admitted to interim bail by that court in the context of both the FIRs registered against him, subject to the petitioner continuing to appear before the trial court as and when summoned (unless specifically exempted by the trial court for any valid reason), these petitions are allowed, with the interim order passed on February 15, 2021, made absolute on the same terms and conditions.

It is to be noticed here that learned counsel for the complainant has submitted that the petitioner already stands convicted for the commission of an offence punishable under Section 420 of the IPC, in a separate FIR registered.

Even having considered that, the condition imposed herein

above is with regard to the petitioner continuing to appear before the trial court as and when summoned in the context of the FIRs in question, and he having surrendered presently at least before that court, I would see no reason to deny him the concession of bail, subject to him continuing to appear before that court as and when summoned, as already observed herein above.

A copy of this order be placed on the file of the other connected matters too.

23.09.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No