

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

CRM-M-18931-2021

Date of decision:13.07.2021

Gurminder Singh Sidhu

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Aayush Gupta, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in this petition is for quashing of FIR No.51 dated

04.03.2020 registered under Section 174-A IPC at Police Station Kotwali, Bathinda, District Bathinda, along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner states that on the complaint of the petitioner, an FIR No.2 dated 03.01.2008 was registered under Section 13(1)(e) and 13(2) of the Prevention of Corruption Act, 1988 at Police Station Vigilance Bureau, District Bathinda, against respondent No.2. In a counter-blast to the aforesaid FIR, respondent No.2 filed a criminal complaint against the petitioner before Judicial Magistrate 1st Class, Bathinda, in which the petitioner was ordered to be summoned for the offence under Sections 500 and 506 IPC. It is further stated that the petitioner was not served in the present case and ultimately he was declared as proclaimed person on 24.04.2015. Thereafter, the present FIR was

registered against the petitioner.

Learned counsel for the petitioner further states that when the fact regarding pendency of the present complaint came to the knowledge of the petitioner, he appeared before Chief Judicial Magistrate, Bathinda, who, vide order dated 09.03.2021, released the petitioner on bail on furnishing bail bonds in the sum of Rs.20,000/- with one surety in the like amount.

In support of his contention, learned counsel for the petitioner relies upon the judgments passed by the Coordinate Benches of this Court in CRM-M-5895-2012 titled 'Raj Kumar Vs. State of Haryana', decided on 13.09.2012 and CRM-M-32465-2017 titled 'Vikas Sharma Vs. Gurpreet Singh Kohli and another', decided on 13.09.2017.

Notice of motion to respondent No.1-State only.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab, accepts notice on behalf of respondent-State.

Heard.

The petitioner could not appear before the trial Court as he was stated to have not been served. After the passing of the order dated 24.04.2015 declaring him as a proclaimed person, he had surrendered before the trial Court on 09.03.2021 and was ordered to be released on bail. In such circumstances, especially, when the petitioner has duly surrendered before the trial Court, continuation of proceedings under Section 174-A IPC would be an abuse of the process of Court.

Consequently, the order dated 24.04.2015 declaring the petitioner as a proclaimed person is set-aside and the present FIR No.51 dated 04.03.2020 registered under Section 174-A IPC at Police Station

Kotwali, Bathinda, District Bathinda, and all the consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

Allowed.

13.07.2021
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No