

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

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CRM-M-26101-2021

Date of Decision:04.10.2021

Manmohan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.A.P.S.Sandhu, Advocate
for the petitioner.

Mr.Ramdeep Pratap Singh, DAG Punjab

Amol Rattan Singh, J. (Oral)

On 13.07.2021, the following order had been passed by this Court:

Case heard by way of video conferencing.

This petition has been filed seeking quashing of FIR no.0021 dated 18.01.2020 (as also all other subsequent proceedings arising therefrom), registered at Police Station Civil Lines, Police Commissionerate, Amritsar, for the alleged commission of an offence punishable under Section 174A of the IPC.

Notice of motion be issued to the respondent, returnable on 31.08.2021.

In view of the fact that the petitioner is stated to have 'compromised' the matter, in the main case (in the context of which he was issued summons by the trial court), with CRM-M-4085 of 2021 also having been filed seeking quashing of the said FIR, and with the learned counsel for the petitioner having, prima facie at this stage, pointed out that the petitioner was in Canada after 17.01.2019,

and the FIR in the 'main case' is of July 2019, with the petitioner never having returned from Canada (as contended), further proceedings pursuant to the FIR in question in the present case, for the alleged commission of an offence punishable under Section 174A of the IPC, shall remain stayed till the next date of hearing.

A gazetted officer would file an affidavit after verifying as to whether the petitioner was abroad during the time between when he was summoned to appear before the trial court and the time that he was declared to be a proclaimed offender.

Learned counsel for the petitioner would also place on record photocopies of all pages of the petitioners' passport, to determine as to whether he came to India during that period or not.

Adjourned to 31.08.2021.

In view of the fact that further proceedings in the FIR in question have been stayed, presently if the petitioner comes to India in the interregnum, he shall not be arrested, subject to him surrendering before the trial court within a week from his arrival. Upon so surrendering, he shall be admitted to bail to the satisfaction of that court, till the next date of hearing before this court.

Thereafter, on 17.09.2021, this Court had observed that in the affidavit filed by the ACP, Financial Crime, Amritsar City, it was found by the State that at the time of initiation of proceedings to declare the petitioner to be a proclaimed offender, he was not in India and in fact that fact had also been duly mentioned in the application filed before the learned Judicial Magistrate First Class, Amritsar.

Learned counsel for the parties had already submitted that the petition seeking quashing of the "main FIR" had been filed on the basis of a compromise arrived at between the parties (in CRM-M-4085-2021), and that pursuant to the order passed by this Court in that petition, on 20.07.2021, their statements were recorded

before the learned Area Magistrate, Amritsar, on 29.07.2021.

Consequently, that case was also directed to be listed along with the present petition; and it is seen that the report of the learned JMIC, Amritsar, dated 27.08.2021 is indeed on record in that case (despite the note of the Registry in the present case that the report has not been received).

In view of the fact that though proceedings under Section 174-A would be independent of any proceedings in the context of which the accused/petitioner was declared to be a proclaimed offender/proclaimed person, however, looking at the reply filed on behalf of the respondent-State that in fact the petitioner was not present even at the time when proceedings were initiated against him under Section 82 Cr.P.C., without further going into the matter, (whether he was in India before that and still did not appear before the trial Court), the petition is allowed and FIR No. 0021, dated 18.01.2020, registered at Police Station Civil Lines, Police Commissionerate, Amritsar, for the alleged commission of an offence punishable under Section 174-A IPC, along with all proceedings emanating therefrom, is hereby quashed.

04.10.2021

(AMOL RATTAN SINGH)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No