

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

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CRM-M-49614-2021
Date of decision : 26.11.2021

Preet Mohan Singh

Petitioner

V/S

State of Haryana and another

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Rahul Deswal, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of FIR No.479 dated 27.08.2021 registered under Section 174-A of the Indian Penal Code, 1860 at Police Station Civil Lines, Karnal, District Karnal (**Annexure P-1**) and order dated 03.08.2021 (**Annexure P-2**) passed by Judicial Magistrate Ist Class, Karnal whereby the petitioner was declared as proclaimed person and a direction was issued to police to register FIR under Section 174-A IPC against the petitioner.

Learned counsel for the petitioner contends that the petitioner could not appear before the trial Court as he had gone to Gujarat and service was effected through his wife. The petitioner was wrongly declared a proclaimed person vide order dated 03.08.2021 in breach of the prescribed procedure under Section 82 Cr.P.C. without giving thirty days time to the petitioner for his appearance before the Court. The petitioner after learning about the order declaring him as proclaimed person, has duly surrendered on 02.09.2021 and filed

application for bail. Vide order dated 07.09.2021 passed by Judicial Magistrate First Class, Karnal, the petitioner has been released on bail. In support of his submissions learned counsel for the petitioner has placed reliance on the judgment of this Court passed in ***CRM-M-5895-2012 titled as 'Raj Kumar Vs. State of Haryana' decided on 13.09.2012 and CRM-M-32465-2017 titled as 'Vikas Sharma Vs. Gurpreet Singh Kohli and another' decided on 13.09.2017.***

I have heard learned counsel for the petitioner and gone through the paper book.

In the present case the proclamation was published on 05.07.2021 and the petitioner did not get statutory minimum period of thirty days for his appearance before the Court on 03.08.2021 and the petitioner was wrongly declared a proclaimed person vide impugned order dated 03.08.2021 in breach of the prescribed procedure under Section 82 Cr.P.C. After passing of the impugned order, the petitioner had surrendered on 02.09.2021 and he was granted bail vide order dated 07.09.2021 passed by Judicial Magistrate First Class, Karnal. 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. I draw support from the judgment of a coordinate Bench of this Court in the case of ***CRM-M-5895-2012 titled as 'Raj Kumar Vs. State of Haryana' decided on 13.09.2012***, wherein it was held that as the petitioner therein had appeared before the trial Court and granted bail, the continuation of criminal proceedings under Section 174-A IPC would amount to an abuse of process of law.

Accordingly, the revision petition is allowed and impugned order dated 03.08.2021 is set aside and FIR No.479 dated 27.08.2021 registered under Section 174-A of the Indian Penal Code, 1860 at Police Station Civil Lines, Karnal, District Karnal and all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

26.11.2021

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(ASHOK KUMAR VERMA)
JUDGE

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