

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201)

CRM-M-37891 of 2020

Date of Decision: 05.03.2021

Tejinder Singh Bedi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Munish Gulati, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

On 25.11.2020, the following order had been passed by this
court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks quashing of FIR no.95, dated 07.02.2020, registered at Police Station Sector 5, Panchkula, alleging therein the commission of an offence punishable under Section 174-A of the IPC, alongwith all subsequent proceedings emanating therefrom.

Learned counsel for the petitioner submits that as a matter of fact the proceedings under Section 174-A of the IPC have been initiated in the context of a complaint registered at the instance of one Mrs. Gurparveen Sandhu against the petitioner, under the provisions of Section 138 of the Negotiable Instruments Act, 1881, with that matter having been compromised between the parties vide a deed dated July 22, 2020, and with that complaint in fact having been withdrawn vide an order passed on 22.09.2020 (copy Annexure P-3).

Notice of motion. Mr. Arun Beniwal learned DAG, Haryana, accepts notice at the asking of the court.

Though of course proceedings under Section 174-A of the IPC would be independent of any other proceedings in the context of which any person is declared to be a proclaimed person/proclaimed offender, however seeing that the complaint in the context of which the petitioner was declared to be a proclaimed offender, has been settled between the parties, the petitioner, upon surrendering before the trial court/Duty Magistrate, would be immediately admitted to bail to the satisfaction of that court, till the next date of hearing before this court.

In the aforesaid circumstances, proceedings thereafter in the context of the FIR in question, shall remain stayed.

Adjourned to 05.03.2021.”

Learned counsel for the petitioner submits that the petitioner has since surrendered before the trial court and has been admitted to bail by that court.

Learned counsel for the petitioner states on bar that though the order admitting the bail to the petitioner is not on record, he himself, as counsel, went along with the petitioner when the petitioner was admitted to bail by the learned trial court.

The petitioner having now surrendered before the trial court and the dispute as regards the complaint instituted under the provisions of Section 138 of the Negotiable Instruments Act, 1881, having been settled between the parties, this petition is allowed, with FIR no.95, dated 07.02.2020, registered at Police Station Sector 5, Panchkula, alleging therein the commission of an offence punishable under Section 174-A of the IPC,

alongwith all subsequent proceedings emanating therefrom, hereby quashed; subject however to the petitioner paying costs of Rs.10,000, to the District Legal Services Authority, Panchkula, in view of the fact that owing to the petitioner not responding to the warrants/summons issued in the complaint case, obviously the State machinery had to 'run around', and time of the court was unnecessarily wasted.

If the said cost is not paid within two weeks, this order shall be deemed to have been not passed, with a report in that regard to then be put up to this court.

05.03.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No