

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-12198-2022
Reserved on :23.03.2022
Pronounced on : 30.03.2022

SubhashPetitioner
Vs.
State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bhisham Kumar Majoka, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA J.

FIR No.	Dated	Police Station	Sections
239	31.07.2022	Badshahpur, District Gurugram	147, 148, 149, 323, 325, 341, 342 & 427 IPC (Sections 364, 186 & 353 IPC added later on)
111	19.02.2021	Shivaji Nagar, Gurugram, District Gurugram	174-A IPC

Seeking quashing of proclamation order Annexure P-3, the accused has come up before this court under Section 482 CrPC.

- I have heard learned counsel for the parties and gone through the pleadings.
- The petitioner seeks to quash the FIR (s) by stating in paragraph 4 that he did not know he is being arraigned as an accused. Ld. counsel submitted that this court had granted bail to the petitioner under section 438 CrPC after considering the absence of knowledge.
- The stand taken by the petitioner was justiciable for the purpose of bail; however, the same stand is not at all justiciable to seek quashing of the proclamation order and subsequent proceedings. The stand taken by the accused qua absence of knowledge needs evidence with an opportunity to the State to test the credibility of such evidence. Thus, the petitioner fails to make out a case.

Petition dismissed. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

30.03.2022/anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.