

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

CRM-M-17636-2021 (O&M)

Date of decision: 18.05.2022

Rajinder Singh @ Bobby

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Bajwa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of the “*challan* form” presented under the provisions of Section 173 of the Cr.P.C. in case bearing FIR No. 41 dated 26.03.2018, registered under Sections 307, 452, 427, 148 and 149 of the IPC, as also Sections 25, 27 of the Arms Act, 1959 at Police Station Fatehgarh Churian, District Batala, wherein the petitioner was shown to be a proclaimed offender.

On 27.04.2021, the following order was passed by:

“...Learned counsel for the petitioner submits that other than the petitioner being named as an accused against whom a supplementary report under Section 173 (8) of the Cr.P.C. would be submitted (as per what is stated in the report under Section 173(2) of the Cr.P.C.), the petitioner is not even aware as to how he was arraigned as an accused in the FIR in question, with him submitting that he is living in District Ludhiana at the address given in the memo of parties since 2013, and therefore the question of even service of any kind of

notice upon him, if issued under Section 82 of the Cr.P.C., at the address given of Batala in the *challan*, does not arise.

Notice of motion.

Mr. Sandeep Singh Deol, learned DAG, Punjab, accepts notice at the asking of the court.

In the aforesaid circumstances, without making any comment on the actual merits of the case, the petitioner is directed to surrender before the trial court within a period of 10 days from today and upon so doing he shall be admitted to interim bail to the satisfaction of that court, till the next date of hearing before this court...”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 27.04.2021, has already appeared before the trial Court and has been released on interim bail.

Reply, filed by by way affidavit of DSP, Sub Division Fatehgarh Churian, Police District Batala, is on record.

Learned State counsel, on the basis of the aforesaid reply, submits that on investigation, it is found that the petitioner is innocent.

In view of the above, the present petition is disposed of and the order dated 27.04.2021, is made absolute.

18.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No