

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25677-2022
Date of order: 22.07.2022

Harjot Singh
...Petitioner(s)
Versus
State of Punjab & another
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Manoj R. Sharma, Advocate
for the petitioner(s).
Mr. Anmol Singh Sandhu, AAG, Punjab.

ANOOP CHITKARA, J.

Criminal Complaint	No. NACT-332-2017 under Section 138 of the Negotiable Instruments Act, District Gurdaspur
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FIR No.	Dated	Police Station	Sections
41	6.3.2020	Gurdaspur, District Gurdaspur	174-A IPC

Seeking quashing of proclamation order dated 16-12-2019 as well as FIR under section 174-A of IPC, the accused has come up before this court under Section 482 of the Code of Criminal Procedure, 1973 (CrPC).

2 During the course of arguments, learned counsel for the petitioner confines his prayers to the extent of quashing of PO order, reserving liberty to file a separate petitioner for quashing of FIR. Thus, the present petition is confined to PO order, Annexure P-3, and liberty is reserved to file a separate petition for quashing of FIR.

3. Petitioner was arraigned as an accused in the above captioned matter. On failure to serve the petitioner through the ordinary process, including summons,

bailable warrants, and even non-bailable warrants, the concerned court finally proceeded against the petitioner under section 82 of CrPC and declared the petitioner a proclaimed offender vide order dated 16-12-2019, passed by CJSD-CJM Gurdaspur.

4. Vide order dated 15-10-2020, passed by Ld. ACJM Gurdaspur, the complaint in question was dismissed as withdrawn as a sequel to the compromise and receipt of entire amount by the complainant.

5. The petitioner explains that he was never served. Given the compromise and withdrawal of complaint, the impugned order of proclamation dated 16.12.2019 passed by learned CJSD-CJM Gurdaspur, in this matter, is set aside. Resultantly, the non-bailable warrants issued against the petitioner in the FIR captioned above, shall not be enforced. The bail bonds are discharged.

Petition allowed in the terms mentioned above.

(ANOOP CHITKARA)
JUDGE

July 22, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.