

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

CRM-M-34241-2019 (O&M)

Date of decision: 11.05.2022

Piyush Kumar Yadav

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- None for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Amaninder Preet, Advocate
for respondent No. 2/complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of FIR No. 35 dated 16.04.2017, registered under Sections 420/120-B of the IPC at Police Station Smalsar, District Moga along with all the subsequent proceedings arising therefrom.

At the very outset, learned State counsel, assisted by learned counsel for respondent No.2/complainant, has raised an objection that the petitioner was declared a proclaimed offender.

Learned State counsel has placed on record an order dated 07.03.2019 passed in CRM-M-33677-2018, vide which the anticipatory bail application of the petitioner was dismissed by this Court by passing a detailed order.

Learned State counsel has also placed on record an order dated 07.09.2021 passed by the trial Court, whereby the petitioner has been declared a proclaimed person.

Learned State counsel submits that these facts were not disclosed by the petitioner in the present petition, therefore, by concealing the said facts, he succeeded in procuring the issuance of notice of motion.

Learned State counsel as well as learned counsel for respondent No. 2/complainant submit that in view of the judgment of Hon'ble Supreme Court in *Niharika Infrastructure Private Limited vs. State of Maharashtra and others, 2021 SCC (Online) SC 315*, the present petition is not maintainable as the petitioner is a proclaimed offender and he is not appearing before the trial Court, despite the dismissal of his anticipatory bail application as noticed above.

In view of the same, the present petition is dismissed.

11.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No