

Balwinder Singh

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sanjiv Gupta, Advocate and
Mr. Tushar Wadhwa, Advocate, for the petitioner.
Mr. B.S. Virk, Deputy Advocate General, Haryana.

Rajesh Bhardwaj, J. (ORAL)

The present petition has been filed praying for quashing the orders dated 25.9.2018 and 25.10.2018 arising out of FIR No.88 dated 27.1.2014, registered under Sections 366, 328, 376(2)(n), 344, 506 IPC, at Police Station City Sirsa, vide which warrants of arrest have been issued against the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner was the surety for accused-Deepak, who did not appear on one date of hearing and the petitioner being surety suffered the impugned order. Learned counsel for the petitioner submits that thereafter, the accused-Deepak duly appeared and the trial commenced. As on date, the trial is already over and accused-Deepak, for whom the petitioner stood surety, had already been acquitted by the trial Court vide order dated 13.5.2016 passed by the learned Additional Sessions Judge, Sirsa. He submits that the prosecution of the petitioner is nothing but an abuse of the process of the Court.

Learned State counsel also submits that the main accused was acquitted by the trial Court vide order dated 13.5.2016, however, as the proceedings under Sections 446 Cr.P.C. already initiated against the petitioner,

the same remained pending even after the acquittal of the accused.

After hearing learned counsel for the parties, it is apparent that the petitioner was the surety for the accused-Deepak, who remained absent, due to which, the present proceedings under Section 446 Cr.P.C. were initiated against the petitioner. However, the accused duly appeared and faced the trial and finally, the trial Court acquitted him. In view of the facts and circumstances, this Court finds that the continuation of the proceedings under Section 446 Cr.P.C is nothing but an abuse of the process of the Court and without going into the merits of the case and to secure the ends of justice, the present petition is allowed and the orders dated 25.9.2018 and 25.10.2018 are set aside.

The petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

12.5.2022
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No