

CRM-M-4140-2023 (O&M) and other connected cases

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

(28 cases)

CRM-M-4140-2023 (O&M)
Reserved on:25.01.2023
Pronounced on: 14.02.2023

Jitendra M Gada

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-4142-2023 (O&M)

Jitendra M Gada

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-4144-2023 (O&M)

Jitendra M Gada

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-4145-2023 (O&M)

Jitendra M Gada

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-4147-2023 (O&M)

Jitendra M Gada

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-4148-2023 (O&M)

Jitendra M Gada

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-4140-2023 (O&M) and other connected cases

CRM-M-4149-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4154-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4163-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4167-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4169-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4172-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4140-2023 (O&M) and other connected cases

CRM-M-4187-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4188-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4190-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4191-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4194-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4196-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4140-2023 (O&M) and other connected cases

CRM-M-4198-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4208-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4210-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4211-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4212-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4213-2023 (O&M)

Jitendra M Gada	...Petitioner
Versus	
State of Haryana	...Respondent

CRM-M-4140-2023 (O&M) and other connected cases

CRM-M-4214-2023 (O&M)

Jitendra M Gada ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-4259-2023 (O&M)

Jitendra M Gada ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-4260-2023 (O&M)

Jitendra M Gada ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-4262-2023 (O&M)

Jitendra M Gada ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurabh Dalal, Advocate
for the petitioner

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Aditya Jain, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Section
1349	22.07.2019	Shivaji Nagar, Gurugram	174-A IPC
2266	14.11.2019	Shivaji Nagar, Gurugram	174-A IPC
2413	18.12.2019	Shivaji Nagar, Gurugram	174-A IPC
1346	22.07.2019	Shivaji Nagar, Gurugram	174-A IPC
1343	22.07.2019	Shivaji Nagar, Gurugram	174-A IPC

CRM-M-4140-2023 (O&M) and other connected cases

1350	22.07.2019	Shivaji Nagar, Gurugram	174-A IPC
935	23.05.2019	Shivaji Nagar, Gurugram	174-A IPC
2187	07.11.2019	Shivaji Nagar, Gurugram	174-A IPC
2267	14.11.2019	Shivaji Nagar, Gurugram	174-A IPC
1356	23.07.2019	Shivaji Nagar, Gurugram	174-A IPC
1355	23.07.2019	Shivaji Nagar, Gurugram	174-A IPC
934	23.05.2019	Shivaji Nagar, Gurugram	174-A IPC
1348	22.07.2019	Shivaji Nagar, Gurugram	174-A IPC
1344	22.07.2019	Shivaji Nagar, Gurugram	174-A IPC
1621	26.07.2019	Shivaji Nagar, Gurugram	174-A IPC
1347	22.07.2019	Shivaji Nagar, Gurugram	174-A IPC
2269	14.11.2019	Shivaji Nagar, Gurugram	174-A IPC
2411	18.12.2019	Shivaji Nagar, Gurugram	174-A IPC
1624	26.08.2019	Shivaji Nagar, Gurugram	174-A IPC
1623	26.08.2019	Shivaji Nagar, Gurugram	174-A IPC
2410	18.12.2019	Shivaji Nagar, Gurugram	174-A IPC
2268	14.11.2019	Shivaji Nagar, Gurugram	174-A IPC
1354	23.07.2019	Shivaji Nagar, Gurugram	174-A IPC
1622	26.08.2019	Shivaji Nagar, Gurugram	174-A IPC
542	24.02.2020	Shivaji Nagar, Gurugram	174-A IPC
1095	14.06.2019	Shivaji Nagar, Gurugram	174-A IPC
1096	14.06.2019	Shivaji Nagar, Gurugram	174-A IPC
1345	22.07.2019	Shivaji Nagar, Gurugram	174-A IPC

The common questions of law and fact involved in these petitions, therefore, all the petitions are taken together for brevity, facts are being taken from CRM-M-4140-2023.

2. Seeking quashing of impugned FIR(s) mentioned above, registered under Section 174-A IPC of the Cr.P.C registered at Police Station Shivaji Nagar, Gurugram (Annexure P-2) and any further proceedings arising out of it, petitioner has come up before this Court.

3. The accused could not be served 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.

4. The petitioner seeks quashing of FIR by stating that he did not know his being arraigned as an accused. Counsel submitted that this court had granted bail to the petitioner under section 438 CrPC after considering that he was not aware of his absence before the trial Court.

5. The petitioner seeks quashing above captioned FIR under Section 174-A IPC based on the observations made in the order passed by this Court annexed with the petition. Vide the said order, this Court had stayed the proclamation subject to the petitioner appearing before the concerned Court and furnishing bonds in terms of the said order. From the perusal of the aforesaid order, it is clear that the intention of this Court was that the trial is expedited and the delay being caused to the trial because absence of the accused is curtailed. Thus, once the accused had volunteered to appear and attend the trial this Court had restored his bail subject to furnishing of the fresh bail bonds. It nowhere implies that there was any observation qua quashing of FIR which was one of the consequences of the petitioner having been declared as a proclaimed offender.

6. A perusal of the petition nowhere mentions any other reason based on which the FIR can be quashed.

7. 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 FIR and subsequent proceedings. The quashing of FIR based on the absence of knowledge needs documentary evidence with an opportunity to the State to rebut such documents. Thus, the petitioner fails to make out a case.

The present petition and all connected petitions stand dismissed. All pending applications, if any, stand closed. Liberty reserved to file a fresh petition for quashing based on other points except solely relying upon the order passed by this Court.

(ANOOP CHITKARA)
JUDGE

14.02.2023
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.