

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

CRM-M-6039-2023

Date of decision: 2nd August, 2023

Shami Kumar Singla @ Shammi Singla @ Shammi Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Sandhya Gaur, Advocate for the petitioner(s).
Ms. Navreet K. Barnala, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition was filed for quashing of the impugned order dated 6th January, 2023 declaring the petitioner as proclaimed person in criminal case bearing No. CHI-230 of 2015 arising out of a case in FIR No. 63, dated 29th June, 2013, under Sections 167/430/465/466/467/471/149/120-B of IPC, 1860 and Section 3 of the Prevention of Damage to Public Property Act, 1984, registered at Police Station Sangat, District Bathinda.

2. On 6th February, 2023, following order was passed:-

“The challenge in the present petition is to the order dated 06.01.2023 (Annexure P-12) passed by the learned JMIC, Bathinda, whereby, the petitioner has been declared as proclaimed person in a criminal case bearing CHI No.230 of 2015 arising out of the FIR No.0063 dated 29.06.2013 under Sections 167/430/465/466/467/471/149/120-B of IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984 registered at Police Station Sangat, District Bathinda (Annexure P-1).

Learned senior counsel appearing for the petitioner submits that the petitioner is serving as Chief Engineer/Canals, Department of Water Resources, Government of Punjab and the name of the petitioner is Shami Kumar Singla as is apparent from Aadhar Card at Page No.111 of the paper book, whereas, in the zimini orders Annexures P-6 to P-11, the petitioner has been named as Shammi Singla and no service of summons, bailable warrants or non-bailable warrants have been effected upon the petitioner. Therefore,

the impugned order dated 06.01.2023 (Annexure P12) is totally wrong.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab puts in appearance and accepts notice on behalf of then respondent-State and seeks time to file reply/status report.

Mr. Divyadeep Walia, Advocate puts in appearance and accepts notice on behalf of the complainant and filed vakalatnama in the Court today which is taken on record.

Learned senior counsel for the petitioner raises objection to the appearance of counsel for the complainant on the ground that since it is between the petitioner and the Court, therefore, the complainant has no locus to appear in the present case.

Adjourned to 21.03.2023.

Let a short reply be filed by the respondent-State stating therein as to whether the service has been effected upon the petitioner or not and if effected, in whose name the same has been effected.

In the meanwhile, no coercive action shall be taken against the petitioner in pursuance to the impugned order dated 06.01.2023 (Annexure P-12), till the next date of hearing.

Needful be done by the next date of hearing with an advance copy to the other side.”

3. Learned counsel for the petitioner submits that petitioner was granted anticipatory bail by the Sessions Court vide order dated 5th April, 2023 and petitioner is appearing in the trial Court.

4. In view of the subsequent events pointed out by learned counsel for the petitioner, no further directions are called for.

5. The petition is disposed of as infructuous.

6. Since the main case has been disposed of as infructuous, pending application if any is rendered infructuous.

**[AVNEESH JHINGAN]
JUDGE**

2nd August, 2023

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No