

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(142)

CRM-M-6073-2023
Date of Decision:-06.02.2023

Balwant Singh

.....Petitioner

Versus

State of Haryana and Anr.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. T.S. Salana, Advocate for the petitioner.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

Ms. Gurpreet Kaur, Advocate for
Mr. Ravi Dutt Sharma, Advocate for respondent No.2.

ALOK JAIN, J. (Oral)

The instant petition has been filed seeking quashing of FIR No.251 dated 07.09.2019 (Annexure P-1) under Sections 406,498-A and 34 IPC, registered at Police Station Cheeka, District Kaithal, along with all subsequent proceedings arising therefrom, with a further prayer to quash the impugned order dated 01.12.2020 (Annexure P-2), passed by learned Sub-Divisional Judicial Magistrate, Guhla, District Kaithal.

The petitioner had approached this Court earlier by filing CRM-M-57838 of 2022, wherein he had wrongly impleaded State of Punjab as party, whereas, the FIR was of Kaithal. The said petition was withdrawn by the learned counsel for the petitioner with liberty to file a fresh with correct particulars. The present petition arises out of the same,

however, in the present petition again a similar mistake has been made whereby advance copy has been supplied to Advocate General, Punjab. Learned counsel for the petitioner tenders unconditional apology and submits that in fact he had supplied the advance copy to the State of Haryana only but due to oversight it has been typed that the copy has been supplied to Advocate General, Punjab.

The Court expresses its displeasure over the careless attitude, however, taking a lenient view, the same is negated subject to cost of Rs.2,000/- to be paid by the counsel for the petitioner.

At the outset, the learned counsel for the petitioner has submitted that he does not press the first prayer seeking quashing of the impugned FIR and contains his prayer only to impugn the order dated 01.12.2020, whereby the petitioner was declared as proclaimed person be set aside for the reason that the petitioner was out of India and was never served.

After hearing learned counsel for the parties and in the light of the fact that the petitioner was never served in the said proceedings and more so the fact that the petitioner has categorically stated that he is ready to surrender before the concerned Court, the impugned order deserves to be set aside.

Ordered accordingly.

It is further directed that in furtherance to the statement made by learned counsel for the petitioner, the petitioner shall surrender before the Court and if any bail application is filed, the same is directed to be decided within a period of three days.

The order dated 01.12.2020 is set aside subject to payment of costs of Rs.10,000/- to be paid by the petitioner and deposited within fifteen days from today in the following account:

Punjab and Haryana High Court Bar Association

Lawyer's Family Welfare Fund

Account No.41564846387

Bank Name-SBI High Court Branch

The cost of Rs.2000/- to be paid by learned counsel for the petitioner shall also be deposited in the aforesaid account.

With the above directions, the petition stands disposed of.

(ALOK JAIN)
JUDGE

06.02.2023

manju

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No