

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

CRM-M-7825-2023

Date of Decision: February 14, 2023

SUMER @ SUMER SINGH

.....Petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.D.P.S. Bajwa, Advocate for the petitioner.

Mr. Sumit Jain, AAG, Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482, prayer has been made for quashing of FIR No.0150 dated 14.06.2021 registered at Police Station Narwana City, District Jind against some unknown person pertaining to road accident wherein during investigation the petitioner was implicated as an accused.

On account of his non-appearance before the trial Court, the petitioner was declared as proclaimed person vide order dated 12.02.2016. Having come to know about the pendency of proceedings before the trial Court, the petitioner appeared and was granted concession of regular bail. Later, the petitioner was acquitted of the charges vide judgment dated 20.01.2022. In the meanwhile on account of his non-appearance before the trial Court, FIR in question i.e. FIR No.0150 dated 14.06.2021 under Section 174-A IPC came to be registered against the petitioner wherein he was granted concession of interim bail and the proceedings are now pending before the trial Court.

Learned counsel for the petitioner submits that once the petitioner had already submitted to the jurisdiction of trial Court in the proceedings arising out of FIR No.0072 dated 21.03.2022 under Sections 279, 337, 338 at P.S. Narwana City, District Jind and stands acquitted, no useful purpose is going to be served by continuing with the proceedings arising out of FIR No.0150 dated 14.06.2021 registered under Section 174-A IPC.

Learned counsel further submits that the primary idea of proceeding against the petitioner under Section 82 of CrPC was to procure and secure his presence before the trial Court so as to make him face the process of law which he has already done.

On the other hand, learned State counsel who is appearing in pursuance to advance notice vehemently opposes the prayer made in the present petition while submitting that the petitioner very well knew about the proceedings pending against him arising out of FIR No.0072 dated 21.03.2022 under Sections 279, 337, 338 at P.S. Narwana City, District Jind and deliberately chose not to appear before the concerned Court so as to delay the proceedings. He further submits that FIR pertaining to Section 174-A relates to separate proceedings based on separate cause of action, primarily on account of default committed by the petitioner as regards his deliberate non-appearance before the trial Court and thus the petitioner cannot be permitted to draw benefit of his own wrongs.

I have heard learned counsel for the parties and have gone through the paper-book. I find substance in the submissions made on behalf of the petitioner.

The primary object behind the proceedings under Section 82 of the CrPC is to procure the presence of an accused so as to face the process of law. In the present case, the petitioner though having been declared as proclaimed person vide order dated 12.02.2016 appeared before the trial Court and was granted concession of regular bail. The petitioner even faced the trial and was acquitted of the charges vide judgment dated 20.01.2022. More than that, the petitioner was even granted the concession of interim bail in present FIR No.0072 which is still subsisting. Thus, in view of the facts and circumstances narrated herein-above, wherein the petitioner already stands acquitted of the charges in the trial arising out of FIR No.0072 dated 21.03.2022, no useful purpose is going to be served by continuing with the trial arising out of FIR No.0150. Reliance is placed on a judgment passed by this Court in “**Ram Kumar Rana Vs. State of Haryana and Anr. 2022(1) R.C.R. (Criminal) 294**”.

In view thereof, the present petition is allowed, FIR No.0150 dated 14.06.2021 under Section 174-A IPC registered at Police Station Narwana City, District Jind is ordered to be quashed, the same shall however be subject to cost of Rs.20,000 to be deposited with the Punjab and Haryana High Court Association Lawyer’s Family Welfare Fund having Account No.41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

14.02.2023
tejwinder

(**HARKESH MANUJA**)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

