

2023:PHHC:154552

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

289 (03 cases)

CRM-M-20266-2023
Date of Decision.:04.12.2023

Sandeep Anand

Petitioner

Vs.

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

CRM-44375-2023:

This is an application under Section 482 Cr.P.C. to place on record the copy of order dated 14.09.2023 passed by this Court in CRM-M-31029-2018 as Annexure P-14.

Allowed.

Annexure P-14 is taken on record.

CRM-M-20266-2023:

On 26.04.2023, following order was passed by this Court:

“This petition has been filed under Section 482 of Cr.P.C., praying for quashing of FIR No.632 dated 19.09.2018 (Annexure P-1) registered under Section 174-A of the Indian Penal Code, 1860 at Police Station Shivaji Nagar, District Gurugram, in view of the fact that the said FIR emanates out of order dated 13.11.2017 (Annexure P-2) vide which the petitioner was declared proclaimed person in complaint case No. NI Act-8140 of 2016 dated 02.07.2016 titled as 'Rajiv Nayyar Vs. Winaxx Implex Pvt. Ltd. And others' under Section 138 of Negotiable Instruments Act, 1881.

Learned counsel for the petitioner contends that the instant FIR has been registered on the basis of order dated 13.11.2017 (Annexure P-2), declaring the petitioner as proclaimed person, whereby the same was challenged by filing the CRM-M-31029-2018, and vide order dated 16.11.2022, the petitioner was directed to appear before the trial Court within a period of two weeks and on doing so, trial Court was directed to admit him on bail. Learned counsel further contends that the said order dated 16.11.2022 stands duly complied as the petitioner appeared before the trial Court on 29.11.2022 and furnished the requisite bail/surety bonds to the satisfaction of the trial Court. It is again contended that since the petitioner appeared before the trial Court in compliance of order of this Court and was granted bail, the order declaring the petitioner as proclaimed person ceases to exist and the instant FIR is unwarranted and deserves to be quashed, whereby cognizance of offence under Section 174-A is completely mis-placed as the foundation of the same is defective.

Notice of motion.

Mr. Bhupender Singh, DAG Haryana, who is present in the Courts accepts notice on behalf of respondent-State and seeks time to file reply.

Meanwhile, investigation may go on but framing of charges shall remain stayed, in case Investigating Authority files the final report under Section 173 of Cr.P.C. against the petitioner.

Adjourned to 10.08.2023.”

Learned counsel contends that base of the aforesaid order, under which registration of the FIR No.632 dated 19.09.2018 under Section 174-A of the IPC was recorded, was order dated 13.11.2017 passed by the Trial Court whereby the petitioner was declared proclaimed person. That order dated 13.11.2017 has already been set aside by this Court by way of order dated 14.09.2023 passed in CRM-M-31029-2018 (Annexure P-14).

I agree with the aforesaid contention.

In view of the order dated 14.09.2023 passed by this Court in CRM-M-31029-2018 (Annexure P-14) the consequent FIR No.632 dated 19.09.2018 (Annexure P-1) along with all the consequential proceedings arising therefrom, are hereby quashed.

Allowed.

(DEEPAK GUPTA)
JUDGE

December 04, 2023
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No