

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-8696 in/and
CRM-M-21970-2022
Date of Decision: March 10, 2023

Roshan Lal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vikram Singh, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

Reply to the application has not been filed.

As requested by learned counsel for the petitioner, the main petition, which is fixed for 23.05.2023, is taken on Board for hearing today itself.

Complaint case bearing NACT No.101 of 2019, titled as ***“Jeet Singh v Roshan Lal”*** under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred as ‘the N.I. Act’) was filed by one Jeet Singh, in which accused Roshan Lal (now petitioner) was declared proclaimed person, vide order dated 03.03.2022 (Annexure P-2). However, petitioner surrendered before the Trial Court on 16.04.2022 and after noticing that he had not appeared earlier and since the offence in question is bailable, he was admitted to regular bail. Later on, FIR No.378, dated 10.05.2022 under Section 174-A IPC was registered against the petitioner on the basis of the order dated 03.03.2022, whereby petitioner was declared proclaimed person.

Learned counsel for the petitioner has referred to the judgment of a co-ordinate Bench of this Court in case of ***“Rahul Dureja and another v State of Punjab”***, reported as 2022(1) R.C.R.(Criminal)

CRM-8696 in/and CRM-M-21970-2022

248, wherein it was held by this Court that once an accused person appeared in proceedings under Section 138 of the N.I. Act and granted concession of bail, then effect of order declaring the accused person as proclaimed person would dissipate and ground for registration of the FIR under Section 174-A IPC would no longer exist, so, any proceeding under Section 174-A IPC would be abuse of process of Court. FIR and consequent proceedings were held liable to be quashed.

Similar is the position in this present case. In view of the above, FIR No.378, dated 10.05.2022, registered at Police Station Indri, District Karnal, under Section 174-A IPC and all the consequent proceedings arising out of the same, are hereby quashed.

Allowed.

Since the main petition has been allowed, therefore, all the accompanied applications also stand disposed of.

March 10, 2023

sarita

(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No