

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

**CRM-M-26470-2021 (O&M)
DECIDED ON: 03.05.2023**

PUNJAB ALIAS PANJAB

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gurpreet Singh, Advocate for
Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Bijender Dhankar, Addl. AG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-19716-2021

Application is allowed as prayed for.

CRM-M-26470-2021

This is a petition under Section 482 Cr.P.C., read with Section 226/227 of Constitution of India for setting aside/quashing the impugned order dated 27.04.2021 (Annexure P-4), impugned order dated 07.05.2021 (Annexure P-5) as well as impugned order dated 21.05.2021 (Annexure P-6) passed by Sub Divisional Judicial Magistrate, Ganaur and Duty Magistrate/JMIC, Sonipat with a prayer for issuance of direction to the respondent authorities to pay/grant adequate/appropriate/just compensation to the petitioner for his illegal confinement for the period commencing from 21.05.2021 to 04.06.2021 in FIR No.280 dated 02.07.2020, under Sections 323, 452, 506, 34 of IPC and Section 25 of Arms Act, 1959 (Section 25 of Arms act deleted later on), registered at Police Station Ganaur, Sonipat.

Learned State counsel has drawn attention of this Court to an order dated 27.04.2021 (Annexure P-4) passed by Ms. Sonia Sheokand, SDJM, Ganaur, wherein reference of an order dated 27.01.2021 passed by this Court in CRM-M-33003-2020 has been made. The relevant extract of the order dated 27.04.2021 reads as under:-

“As per the said order the present FIR alongwith all consequential proceedings resulting therefrom are quashed qua the petitioner/accused Punjab. Since, the FIR has been quashed by the Hon'ble High Court, against accused namely Punjab, therefore, production warrants of accused be issued for his appearance before the Court for 07.05.2021 for further proceedings against him.”

The aforesaid order suffers from material illegality and on the part of the Judicial Officer, such an order would tantamount to judicial indiscipline ignoring the intent of the order of this Court dated 27.01.2021, wherein the FIR stood quashed with all the consequential proceedings arising therefrom qua the petitioner.

There was no occasion for the said Officer to issue any direction for further appearance of the petitioner-accused in Court on 07.05.2021. In that eventuality, the petitioner is facing trial/proceedings. Even further vide order dated 04.06.2021, the said Judicial Officer has adjourned the case for 09.08.2021 for further appearance of the petitioner-accused as well as for awaiting the order of this Court, despite the fact that the order passed by this Court was already with the trial Court.

In view of aforesaid discussion, the orders dated 27.04.2021 and 04.06.2021 (Annexures P-4 & P-6 respectively) are hereby set aside passed by the Sub Divisional Judicial Magistrate, Gannaur.

Petition stand partially allowed, as such.

As far as the part of compensation is concerned, Mr. Dhankar, learned Addl. AG, Haryana informs the court that the petitioner is serving sentence in another case bearing FIR No. 190/2013, under Section 302 read with 34 IPC, Police Station Ganaur, Sonipat. In any case, he could not have been released from custody and therefore, the question of illegal confinement and awarding any compensation on that account does not arise at all, as in any case in all eventuality the petitioner had to be inside the jail.

However, an explanation of Ms. Sonia Sheokand, Sub Divisional Judicial Magistrate, Ganaur is sought, as to why and under what circumstances she has passed the impugned orders despite the fact that the FIR in question along-with all consequential proceedings arising therefrom. already stood quashed by this Court vide order dated 27.01.2021 passed in CRM-M-33003-2021 qua the petitioner-Punjab @ Panjab.

The Registrar (General) is directed to convey the order to the Sub Divisional Judicial Magistrate, Ganaur for compliance, who shall furnish her explanation to this Court by 25.05.2023.

With the afore-said observation, though the present petition stands disposed off.

However, for awaiting the explanation from Sub Divisional Judicial Magistrate, Ganaur, Registry is directed to list the case for hearing on 30.05.2023 after receiving an explanation from the said officer.

03.05.2023

Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*