

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-25392-2019 (O & M)****Date of decision: 13.03.2023**

Ravinder alias Kala

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Neeraj Poswal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 14.05.2019 (Annexure P-6) whereby the petitioner has been declared as a proclaimed offender in FIR No.214 dated 14.10.2017 under Sections 148, 149, 302, 324 and 120-B IPC registered at Police Station Chhachhrauli.

2. The learned counsel for the petitioner contends that this Court had stayed the operation of the impugned order (Annexure P-6) on 21.08.2019, after which, the petitioner appeared before the Court and was granted the concession of bail. After the conclusion of the Trial, the petitioner now stands acquitted. Since in the main case arising out of FIR No.214 dated 14.10.2017 under Sections 148, 149, 302, 324 and 120-B IPC registered at Police Station Chhachhrauli, the petitioner had already been acquitted, no useful purpose would be served in allowing the present proceedings to continue, moreso, when the petitioner had already appeared

before the Court pursuant to the interim order dated 21.08.2019 passed by this Court.

3. The learned counsel for the State has admitted the factual position. He admits that the petitioner had appeared before the Trial Court, was granted bail and has now been acquitted. He, however, states that consequent to the impugned order dated 14.05.2019 (Annexure P-6), an FIR No.75 dated 03.06.2019 at Police Station Chhachhrauli stands registered against the petitioner under Section 174-A IPC.

4. I have heard the learned counsel for the parties.

5. On 21.08.2019, the following order was passed in this case:-

“Learned counsel for the petitioner contends that the impugned order dated 14.05.2019 declaring the petitioner as proclaimed offender is not sustainable in the eyes of law in view of the fact that there is non-compliance of Sub-Section 1 of Section 82 Cr.P.C. in as much as no warrant of arrest was issued against him.

Learned State counsel seeks some time to assist the Court.

Adjourned to 06.11.2019.

In the meantime, operation of the impugned order shall remain stayed. It is clarified that stay order be not construed that petitioner is not to appear before learned trial Court in terms of the summoning order. Needless to say that bail application, if any, moved by the petitioner be considered on merits of the case”.

6. In furtherance of the aforementioned order, the petitioner appeared before the Trial Court, was granted the concession of bail and has since been acquitted vide judgment dated 28.02.2020. Once, he stands acquitted in the main case and prior thereto he had already joined the proceedings in terms of the order dated 21.08.2019, no useful purpose would be served by keeping the instant proceedings alive.

CRM-M-25392-2019

::3::

7. Therefore, the present petition is allowed. The order dated 14.05.2019 (Annexure P-6) whereby the petitioner has been declared as a proclaimed offender in FIR No.214 dated 14.10.2017 under Sections 148, 149, 302, 324 and 120-B IPC registered at Police Station Chhachhrauli and all consequent proceedings arising therefrom including the FIR No.75 dated 03.06.2019 under Section 174-A IPC registered at Police Station Chhachhrauli are hereby quashed qua the petitioner.

(JASJIT SINGH BEDI)
JUDGE

March 13, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No