

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

**CRM-M-44284-2022
DECIDED ON: 12.01.2023**

SURJEET SINGH

.....PETITIONER

VERSUS

AMARJEET SINGH

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Kamlesh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The instant petition filed under Section 482 Cr.P.C for quashing of FIR No.0691 dated 07.09.2022 under Sections 174-A IPC, registered at Police Station Civil Lines, District Karnal, whereby the petitioner has been allegedly summoned and subsequently declared as proclaimed offender and thereafter is facing prosecution in FIR No.0691 dated 07.09.2022 (Annexure P-8).

A perusal of the case file shows that, however, the counsel appearing on behalf of Mr. Parminder Singh, Advocate has sought an adjournment, though, in the urgent list, this Court is not inclined to explain the same inasmuch as no effort has been made either to place on record any advance written request for the same if the counsel for the petitioner was held up and was not able to assist the Court as is evident from the request by his associate counsel.

In the interest of justice, this Court has gone through the case file from where it can be recorded that the petitioner was facing prosecution in FIR under Sections 406,498A and could not put in appearance in that case on account of the fact that his father expired on 06.12.2016 and the wife left her home. The mother of the petitioner also passed away unfortunately during the pendency of quashing petition wherein the order dated 13.09.2016 was challenged vide CRM-M-40550-2019. The aforesaid petition was disposed of vide order dated 09.12.2019 (Annexure P-5) with a direction that the petitioner may surrender before the trial Court and on his doing so, he shall be released on interim bail in the present case till the next date of hearing subject to the satisfaction of learned trial Court.

It is that case where the petitioner could not appear and comply with the aforesaid order and resulted in the registration of instant FIR under Section 174-A of IPC.

Now, prayer has been made for quashing of FIR No. 0691 dated 07.09.2022 (Annexure P-8) under Section 174-A of IPC, registered at Police Station Civil Lines, District Karnal and order dated 13.09.2016 whereby no service of summons could not be effected and the petitioner was declared proclaimed offender without awaiting for expiry of 30 days statutory period from the date of issuance of proclamation, i.e., 10.08.2016, because the proclamation was issued on 24.08.2016 and declaration was made vide order dated 13.09.2016.

Looking into the totality of facts and without going into the merits with regard to the legality for declaring the petitioner as proclaimed persons vide order dated 13.09.2016, this Court is of the considered view that ends of justice would be made, considering the fact that the petitioner has lost

his father on 06.12.2016 and his wife left and he is involved in another FIR and during the quashing petition of the same, he lost his mother as well, in case the petitioner surrenders before the trial Court within the next two weeks from today and moves an appropriate application seeking bail, the application shall be considered and decided on that very day, in accordance with law.

In view of the above, present petition is disposed of.

12.01.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

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