

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-4440 of 2024 (O&M)
Date of Decision: January 30, 2024

Dilbagh Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARPREET SINGH BRAR

Present:- Mr. Karan Garg, Advocate
for the petitioner

Mr. Subhash Godara, Addl. A.G. Punjab

Harpreet Singh Brar, J. (Oral)

1. The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No. 232 dated 04.09.2021 under Section 174-A of Indian Penal Code registered at Police Station B Division, District Amritsar as well as all consequential proceeding arising therefrom including order dated 26.10.2016 passed by learned Judicial Magistrate, Sr. Division Amritsar, whereby the petitioner was declared proclaimed person (Annexure P-4).
2. Learned counsel for the petitioner *inter alia* contends that in the main case the co-accused namely Gagandeep Singh was acquitted, as such in view of the ratio of law laid down by Hon'ble Supreme Court in ***Sat Kumar vs. State of Haryana, AIR 1974 SC 294*** and judgment passed by Hon'ble Division Bench of this Court in ***Suo Mandal @ Diwarak Mandal vs. State of Punjab, 2011(2) RCR(Criminal) 453***, the present petition is required to be allowed and the FIR (supra) is liable to be quashed.

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3. Having heard learned counsel for the petitioner and after perusing the record, it transpires that the petitioner was declared proclaimed person vide order dated 26.10.2016 passed by learned Judicial Magistrate 1st Class, Amritsar and on the basis of the same FIR No. 232 dated 04.03.2023 was registered under Section 174-A IPC against the petitioner. The ratio of law as laid down in *Suo Mandal @ Diwarak Mandal (supra)* and *Sat Kumar (supra)* are not applicable to the facts of the present case. The co-accused was acquitted in FIR No. 137 dated 06.10.2015 registered under Section 21/61/85 of the NDPS Act, 1985 and Sections 467 and 472 IPC at police Station 'B' Division, Amritsar.
4. In view the above, this Court finds no ground to quash the FIR (supra).
5. The petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

January 30, 2024
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No