



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

270

CRM-M-15142-2020 (O&M)

Date of decision: 24.07.2024

Harshdeep Virk

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. K.P.S. Virk, Advocate and
Mr. H.P.S. Raja, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 482 of the Cr.P.C. for quashing of order dated 13.03.2018 (Annexure P-5) in case FIR No.100 dated 26.06.2013 under Sections 279, 304-A of the IPC, registered at Police Station City Samana, District Patiala whereby the property of the petitioner was ordered to be attached under Section 83 of the Cr.P.C., and for quashing the impugned order dated 09.10.2018 (Annexure P-6) whereby the objections filed by petitioner under Section 84 of the Cr.P.C. were dismissed by learned Judicial Magistrate 1st Class, Samana.

2. The facts in brief of the present case are that the father of the petitioner, Ranjit Singh, was involved in FIR No.100 dated 26.06.2013 under Sections 279, 304-A of the IPC registered at Police Station City Samana, District Patiala. On account of the serious medical



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condition, father of the petitioner Ranjit Singh failed to appear before the learned Trial Court and was then declared a proclaimed offender vide order dated 09.08.2016. Consequently, the learned Trial Court initiated proceedings under Section 83 of the Cr.P.C. and issued warrants for the attachment of his property vide order dated 08.02.2018. The property in question was ancestral property; which had been transferred to the petitioner through his share in a family settlement. The petitioner also approached learned Trial Court by way of filing objections under Section 84 of the Cr.P.C., however, the same were dismissed.

3. Learned counsel for the petitioner at the outset submits that the father of the petitioner Ranjit Singh, who was an accused in the aforementioned FIR and was facing trial, has since been acquitted by the learned Trial Court vide judgment dated 04.07.2024. It has been submitted that since the father of the petitioner had already been acquitted, therefore, the order of attachment of the petitioner's property issued after initiation of proceedings under Section 83 of the Cr.P.C., whereby his father was declared a proclaimed offender would be unsustainable in the eyes of law.

4. Learned State counsel has not been able to controvert the submissions made by learned counsel for the petitioner and has also conceded that father of the petitioner Ranjit Singh had indeed been acquitted by the learned Trial Court vide judgment dated 04.07.2024. He, thus, does not oppose the prayer made for quashing of orders dated 13.03.2018 and 09.10.2018 (Annexures P-5 and P-6 respectively).

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5. As a sequel to the above, the present petition is allowed and the impugned orders are set aside.

24.07.2024

Vinay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(MANJARI NEHRU KAUL)
JUDGE