

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-42966-2018

Date of Decision.:16.01.2024

Raj Kumar @ Raju

Petitioner

Vs.

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Vinay Kumar Arya, Advocate for
Mr. Anshul Mangla, Advocate for
the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

On 28.09.2018, following order was passed by this Court:-

“The petitioner seeks quashing of FIR No.54 dated 22.04.2016, under Sections 379, 411 of Indian Penal Code, 1860, Police Station Sector 20, Panchkula.

The FIR was lodged at the instance of Rohit Saini wherein it has been alleged that on 21.04.2016 in the evening when he came out of the Mahindra Agency where he is working, then he realized that his car bearing registration No.HR03-J-3922 which he had parked outside the agency was missing. The learned counsel has submitted that although he is being involved in the aforesaid FIR registered on 22.04.2016 but in fact the petitioner was behind bars in connection with another case i.e. FIR No.87 dated 28.03.2016, under Sections 379, 411, 420, 467, 468, 471, 473 and 120-B, Police Station Pinjore, District Panchkula, wherein he was in custody since 28.03.2016 and was ordered to be released on bail in on 2.12.2016. Learned counsel has further submitted that subsequently another FIR i.e. FIR No.245 dated 30.09.2017 under Sections 411, 473 of Indian Penal Code, 1860, Police Station Manimajra Chandigarh was lodged pertaining to recovery of stolen vehicle bearing registration

No.HR03-J-3922 wherein the petitioner has been arrayed as accused. It has thus been submitted that once the petitioner is specifically arrayed as accused for offence under Section 411 of Indian Penal Code, 1860 in the FIR No.245, he cannot be prosecuted for the same offence in respect of an another FIR lodged earlier when in fact the petitioner was in custody.

Notice of motion for 21.01.2019.

In the meanwhile, proceedings before the trial Court qua the petitioner shall remain stayed.”

Today reply by way of an affidavit of Shri Sumer Partap Singh, IPS, Deputy Commissioner of Police, Panchkula has been filed on behalf of respondent- State and it is conceded that on 21.04.2016, when the theft of the car in question was committed, the petitioner was in custody in some other case. It is also conceded position that later on the stolen car was recovered from the possession of the petitioner and regarding that a separate FIR No.245 dated 30.09.2017 was registered under Sections 473, 411 of the IPC at Police Station Manimajra, Chandigarh.

In view of the aforesaid circumstances, when petitioner was in custody in some other case on the date of incident of theft, the continuation of proceedings in the present FIR No.54 dated 22.04.2016 under Sections 379 & 411 of the IPC at Police Station Sector-20, Panchkula shall be a futile exercise.

In view of the above, the said FIR and all the consequent proceedings arising therefrom are hereby quashed.

(DEEPAK GUPTA)
JUDGE

January 16, 2024

Neetika Tuteja

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No