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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(205)

CRM-M-26007-2024 (O & M)
Date of decision: 06.08.2024

Kulveer Singh @ Kulvir Singh Petitioner
V/s

State of Punjab ...Respondent s

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manik Makkar, Advocate, for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.242 dated 09.08.2023 under Section 174-A IPC, Police Station City Rajpura, District Patiala (Annexure P-10) registered against the petitioner in compliance of the order dated 10.05.2023 (Annexure P-9) in complaint case bearing No.COMA-560-2018 dated 18.05.2018 titled as ‘The Rajpura Primary Co-operative Agricultural Development Bank versus Kulvir Singh’ under Section 138 of the Negotiable Instruments Act vide which the petitioner was declared a proclaimed offender.

2. The learned counsel for the petitioner contends that the summons and arrest warrants of the petitioner were served at an incorrect address. The proclamation was also effected at his old address. As the



::2::

petitioner was not served at his correct address, the order dated 10.05.2023 (Annexure P-9) vide which he was declared a proclaimed offender and the consequential FIR No.242 dated 09.08.2023 under Section 174-A IPC, Police Station City Rajpura, District Patiala (Annexure P-10) were liable to be quashed.

3. The learned counsel for the State has filed a status report by way of an affidavit of Bikramjit Singh Brar, P.P.S., Deputy Superintendent of Police, Circle Rajpura, District Patiala (Punjab) dated 23.07.2024 which is taken on record. While narrating the factual position, she has not seriously controverted the contentions raised by the learned counsel for the petitioner.

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

5. On 23.05.2024, the following order was passed :-

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.242 dated 09.08.2023 under Section 174-A IPC, Police Station City Rajpura, District Patiala (Annexure P-10) registered against the petitioner in compliance with the order dated 10.05.2023 (Annexure P-9) passed by the Judicial Magistrate Ist Class, Rajpura in complaint case bearing No.COMA-560-2018 dated 18.05.2018 titled as 'The Rajpura Primary Co-Operative Agricultural Development Bank versus Kulvir Singh' under Section 138 of the Negotiable Instruments Act.

The learned counsel for the petitioner contends that as per the complaint (Annexure P-1), the petitioner was a resident of village Saidkheri, P.O. Surhon, Tehsil



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Rajpura, District Patiala. Vide zimni order (Annexure P-3), the Trial Court stated that the arrest warrants of the petitioner had been received back with the report that the accused was not residing at the given address and therefore, fresh address was sought. Thereafter, vide report of the police official (Annexure P-5), summons were issued at the fresh address which was of Chauhan Colony, Backside Mohabat Palace Rajpura, Tehsil Rajpura, District Patiala. As the petitioner was not present at the said address for the execution of the warrants, he was ordered to be summoned through proclamation. Once again, the proclamation was effected at his old address i.e. village Saidkheri, P.O. Surhon, Tehsil Rajpura, District Patiala. He, therefore, contends that the petitioner was never served at his correct address. Even otherwise, in the proceedings emanating out of the complaint under Section 138 of the Negotiable Instruments Act, he had appeared and has since been released on bail.

Notice of motion for 06.08.2024.

In the meantime, further proceedings before the Trial Court shall remain stayed.

6. A perusal of the aforementioned order would show that the summons and arrest warrants were served on a wrong address. Further, in the proceedings emanating out of the complaint under Section 138 of the Negotiable Instruments Act, the petitioner has appeared and has since been released on regular bail.



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7.

In view of the above, no useful purpose would be served by permitting the instant proceedings to continue. Therefore, the order dated 10.05.2023 (Annexure P-9), the consequential FIR No.242 dated 09.08.2023 (Annexure P-10) and all subsequent proceedings arising therefrom stand quashed.
8.

The present petition is disposed of in the above terms.

August 06, 2024

sukhpreet

(JASJIT SINGH BEDI)

JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No