



CRM-M-27841 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27841 of 2024(O&M)
Date of Decision: 29.05.2024

Mukesh Futela
...Petitioner
Versus
State of Haryana
...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Omkar Chauhan, Advocate
For the petitioner.
Mr. Neeraj Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking quashing of order dated 16.08.2023 (Annexure P-4) passed by the Court of Judicial Magistrate Ist Class, Panipat vide which the petitioners was declared as proclaimed person in a criminal complaint NACT No. 136 of 2020 titled Sandeep Vs. Mukesh Futela under Section 138 of Negotiable Instruments Act (for short, NI Act) and FIR No. 1141 dated 24.08.2023 (Annexure P-5) registered under Section 174-A IPC at Police Station City, Panipat.
2. The counsel for the petitioner submits that earlier the petitioner was not in knowledge about pendency of aforesaid criminal complaint and when he came to know about its pendency, he immediately approached the Court concerned and has been granted regular bail vide order dated 02.05.2024 (Annexure P-6) by the Court of Judicial Magistrate Ist Class,



Panipat. The counsel for the petitioner further submits that in the given circumstances the effect of order (Annexure P-4) whereby petitioner was declared as proclaimed person has dissipated and thus any further proceedings on the basis of order (Annexure P-4) including impugned FIR (Annexure P-5) would be abuse of process of Court as has been held by the Co-ordinate Bench of this Court in **Rahul Dureja & Anr. Vs. State of Punjab 2022(2) RCR(Crl.) 686**.

3. Notice of motion.

4. Mr. Neeraj Sheoran, DAG Haryana accepts notice on behalf of State and submits that there is no illegality in impugned order (Annexure P-4) and all the subsequent proceedings including lodging of FIR (Annexure P-5) under Section 174-A IPC. However, the State counsel has not disputed the fact that petitioner was granted regular bail in the main criminal complaint by the Court concerned vide order dated 02.05.2024 (Annexure P-6). The State counsel has also not disputed the ratio laid down by the Co-ordinate Bench of this Court in Rahul Dureja's case (supra).

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner is already enlarged on regular bail vide order (Annexure P-6) in criminal complaint having NACT No. 136 of 2020 wherein, earlier the petitioner was declared as proclaimed person vide Annexure P-4 and subsequently FIR (Annexure P-5) was also registered.

The Co-ordinate Bench of this Court in Rahul Dureja's case (supra) while relying upon various judgments of this Court, held that once the accused



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person had appeared and had been granted the concession of bail in proceedings under Section 138 of NI Act, then the effect of order declaring the accused person as proclaimed person would dissipate and the ground for registration of the FIR under Section 174-A IPC, would no longer exist and thus any proceedings under Section 174-A of IPC would be an abuse of process of Court.

7. Keeping in view the above-said facts and circumstances coupled with the settled position of law, as discussed above, the present petition is allowed and impugned order dated 16.08.2023 (Annexure P-4) and FIR No. 1141 dated 24.08.2023 (Annexure P-5) registered under Section 174-A IPC at Police Station City, Panipat are quashed.

**(KARAMJIT SINGH)
JUDGE**

29.05.2024
Jiten

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No