

CRM-M-28531-2023

-1-

(272)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28531-2023
Date of Decision: 14.03.2024

JUZBIR SINGH & OTHERS

... Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Mohit Saroha, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the FIR No.137 dated 13.07.2019 registered under Section 174-A IPC, 1860 at Police Station Sadar Tarn Taran, District Tarn Taran along with all subsequent proceedings arising therefrom.

2. The learned counsel for the petitioners contends that an FIR No.289 dated 07.10.2015 had been registered under Sections 307/323/382/148/149/506 IPC, 1860 (offence under Section 201 IPC added later on) and Section 25/27 of Arms Act, 1959, Police Station City Tarn Taran. The petitioners had been declared proclaimed offenders on 01.07.2019 pursuant to which the instant FIR No.137 dated 13.07.2019 under Section 174-A IPC, 1860 had been registered at Police Station Sadar Tarn Taran, District Tarn Taran. The petitioners came to be acquitted in the main case emanating out of FIR No.289 dated 07.10.2015. Further, they challenged the order whereby

they had been declared proclaimed offenders dated 01.07.2019 vide CRM-M-48100-2019. The said order was quashed on 09.12.2019 (Annexure P-6). Inadvertently, the consequential FIR No.137 dated 13.07.2019 under Section 174A IPC had not been quashed. He contends that as the accused/petitioners stood acquitted in the main case and the order dated 01.07.2019 whereby the petitioners were declared proclaimed offenders already stood quashed, no useful purpose would be served by allowing the proceedings emanating out of the instant FIR to continue when the instant FIR itself was based on the order dated 01.07.2019 which stood quashed.

3. A short reply dated 14.03.2024 by way of an affidavit of Tarsem Masih, PPS, Deputy Superintendent of Police, Sub Division Tarn Taran, District Tarn Taran has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While detailing the manner in which the accused came to be declared proclaimed offenders but subsequently acquitted, the factual narration of the counsel for the petitioners has not been denied.

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

5. When this matter had come up for hearing on 02.06.2023, the following order was passed:-

“The learned counsel for the petitioner contends that an FIR No.289 dated 07.10.2015 was registered under Sections 307, 323, 382, 148, 149, 506 IPC, 1860 (Section 201 IPC added later on) and Sections 25/27 of Arms Act, 1959 at Police Station City Tarn Taran in which the petitioners were declared a proclaimed offender on 01.07.2019 after which an FIR No.137 dated 13.07.2019 under Section 174-A IPC,

1860 at Police Station Sadar Tarn Taran, District Tarn Taran came to be registered. He contends that as the order dated 01.07.2019 whereby the petitioners were declared proclaimed offenders stands quashed and the petitioners have also been acquitted in the main case emanating out of FIR No.289 dated 07.10.2015, no useful purpose would be served by allowing the present proceedings emanating out of an FIR under Section 174-A IPC to continue. Notice of motion for 14.09.2023. In the meantime, further proceedings consequent to the FIR No.137 dated 13.07.2019 under Section 174-A IPC, 1860 at Police Station Sadar Tarn Taran, District Tarn Taran shall remain stayed.”

6. A perusal of the record would reveal that FIR No.289 dated 07.10.2015 was registered under Sections 307, 323, 382, 148, 149, 506 IPC, 1860 (Section 201 IPC added later on) and Sections 25/27 of Arms Act, 1959, Police Station City Tarn Taran. The petitioners were declared proclaimed offenders on 01.07.2019 after which an FIR No.137 dated 13.07.2019 under Section 174-A IPC, 1860, Police Station Sadar Tarn Taran, District Tarn Taran came to be registered against them. The petitioners challenged the order dated 01.07.2019 in CRM-M-48100-2019. The said order declaring them proclaimed offenders was quashed but inadvertently it appears, that the consequential FIR which is impugned in the present petition was not quashed. Once, the accused stand acquitted in the main case and the order dated 01.07.2019 declaring them proclaimed offenders on the basis of which the instant FIR came to be registered itself stands quashed, no useful purpose would be served by allowing the proceedings emanating out of FIR No.137 dated 13.07.2019 to continue.

CRM-M-28531-2023

-4-

7. In view of the above, I find considerable merit in the present petition and therefore, the FIR No.137 dated 13.07.2019 registered under Section 174-A IPC, 1860 at Police Station Sadar Tarn Taran, District Tarn Taran along with all consequential proceedings arising therefrom stands quashed.

8. Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

14.03.2024
JITESH

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