



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

**CRM-M-38063-2021
DECIDED ON: 09.09.2024**

VIKRAM SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

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

Mr. Sukhsandesh Singh Chahal, A.A.G., Punjab.

Mr. Vipin Mahajan, Advocate
for respondent No.2 to 4.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C. for quashing of FIR No.25 dated 13.03.2019 registered under Sections 420, 406, IPC Police Station Dinanagar, District Gurdaspur (Annexure P-1) along with all the subsequent and incidental proceedings since registration of the aforesaid FIR against the petitioner is total misuse and abuse of process of law.

Reply by way of affidavit dated 20.05.2023 of respondent No.2 (Sh. Rakesh Kumar) on behalf of respondents No.2 to 4 has been attached with the file, which is ordered to be taken on record.

Short reply by way of affidavit dated 27.12.2021 of Sh. Rajbir Singh, PPS, Deputy Superintendent of Police, Dinanagar, District Gurdaspur on behalf of respondent-State has also been attached with the file, which is also ordered to be taken on record.

Both the replies be placed at the appropriate place, also page numbered accordingly, in the case file.

Learned counsel for respondents No.2 to 4 has produced the zimni orders orders dated 03.02.2023, 22.03.2023, 10.05.2024, 01.07.2024, 20.07.2024 and 13.08.2024 in the case bearing No.CH-272-2019 passed by learned Judicial Magistrate Ist Class, Gurdaspur, today in the Court.

The order dated 03.02.2023, which is reproduced as under :-

“PW-1 ASI Raman Kumar and PW-2 Retired Inspector are examined and cross-examined. No other PW is produced. Let, summons to prosecution witnesses at serial no.1 & 2 mentioned on the witness list be issued for 22.03.2023.”

The order dated 22.03.2023, which is reproduced as under:-

“Accused is absent without any intimation to this court. Therefore, this court is of the opinion that accused is intentionally avoiding his service. His bail bonds is hereby cancelled and forfeited to the State. Let, non-bailable warrants of accused be issued for 17.05.2023.”

The order dated 10.05.2024, which is reproduced as under:-

“File put up before me being Duty Magistrate as Ld. Presiding officer is on medical leave.

Accused has not come present without any intimation to this Court. Let, fresh notice to accused be issued for 01.07.2024. File be sent back to the concerned Court immediately.”

The order dated 01.07.2024, which is reproduced as under:-

“Case received by transfer. It be registered.

Notice issued to accused not received back. Let, fresh notice to accused be issued for 20.07.2024.”

The order dated 20.07.2024, which is reproduced as under:-

“The case was called several time since morning, but none appeared on behalf of accused Vikram Singh. The accused is absent without any permission or intimation.

As such the bail order of accused stands canceled. The bail/surety bonds stands forfeited to the State. Let, present of the accused Vikram Singh be procured by way of Non-bailable warrant of arrest for 13.08.2024. Notice to surety of accused be also issued for date fixed.”

The order dated 13.08.2024, which is reproduced as under:-

“Non-bailable warrants of arrest of accused Vikram Singh received back unexecuted. Let, fresh non-bailable warrants of arrest of accused Vikram Singh be issued for 21.09.2024. Notice to surety of accused be also issued for date fixed.”

In the light of the fact that petitioner is not appearing before the trial Court and facing execution of non-bailable warrants, learned counsel for the petitioner seeks withdrawal of the present petition.

Prayer is accepted.

Dismissed as withdrawn.

09.09.2024
Mani Kumar

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>