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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31870-2024
Date of decision: 08.07.2024

Rajinder Aggarwal @ Rajinder Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. A.S. Kakkar, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. This is a petition filed under Section 482 Cr.P.C. for quashing of impugned order dated 14.10.2022 (Annexure P-2) passed by the Court of Chief Judicial Magistrate, Faridkot whereby direction was given to the police authority to registered FIR under Section 174-A against the present petitioner and FIR No.90 dated 22.03.2024 (Annexure P-4) registered under Section 174-A IPC in Police Station City Faridkot.
2. The brief facts of the case are that FIR No.270 dated 14.12.2017 under Sections 420 and 120-B IPC was registered in Police Station City Faridkot against the petitioner wherein the petitioner was declared as proclaimed person vide order (Annexure P-2) dated 14.10.2022 by the Court of Chief Judicial Magistrate, Faridkot with intimation in this regard to SHO concerned for further necessary action as per law. Thereafter, impugned FIR Annexure P-4 was registered under Section 174-A by the police authorities in Police Station City Faridkot, pursuant to order Annexure P-2 passed by the Court of Chief Judicial Magistrate, Faridkot.
3. The counsel for the petitioner submits that the petitioner was not aware about the pendency of any criminal case having FIR No.270

dated 14.12.2017 registered in Police Station City Faridkot. It is further submitted that petitioner was taken into custody by the police in aforesaid criminal case having FIR No.270 on 03.01.2024 and granted regular bail by the Court concerned vide order dated 15.02.2024 Annexure P-3. It is further submitted that as the bail was granted to the petitioner, the effect of order Annexure P-2 whereby the petitioner was declared as proclaimed person, would dilute and the ground for registration of FIR Annexure P-4 under Section 174-A IPC would no longer exist and thus, any proceeding under Section 174-A IPC would be misuse of the process of the Court.

4. Notice of motion.

5. The present petition is resisted by the State counsel who has accepted notice on behalf of the State. The State counsel submits that at the relevant time when order Annexure P-2 was passed, the petitioner was absconding and accordingly, the petitioner was declared as proclaimed offender, as per law by the Court of competent jurisdiction. However, the State counsel has not disputed the fact that impugned FIR Annexure P-4 was registered against the petitioner under Section 174-A IPC, after the petitioner was granted regular bail vide order dated 15.02.2024 in the main case having FIR No.270 dated 14.12.2017.

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

7. The main object of initiating proceedings under Section 82 Cr.P.C. is to procure the presence of the accused person before the trial Court to proceed further in the trial in accordance with law. In the instant case, the petitioner was declared as proclaimed person by the Court concerned vide order dated 14.10.2022 (Annexure P-2) and at the same time, information in this regard was also sent to SHO concerned to take necessary action against the petitioner in accordance with law. As per order dated 15.02.2024 (Annexure P-3), it appears that after the passing of order Annexure P-2, the petitioner was arrested and taken into custody by the police on 03.01.2024 and thereafter, he was granted regular bail in main criminal case having FIR No.270 dated 14.12.2017. With the grant of concession of regular bail, the impact of order Annexure P-2 dated

14.10.2022 declaring the petitioner as proclaimed person had dissipated and thus, there was no ground for lodging of FIR Annexure P-4 which was registered on 22.03.2024 by the police, after release of the petitioner on a regular bail in the main case wherein he was declared proclaimed person vide order Annexure P-2 by the Court concerned. Thus, the FIR Annexure P-4 is not sustainable in the eyes of law and its continuance would be an abuse of the process of Court.

8. In light of the above discussion, the present petition is allowed and FIR No.90 dated 22.03.2024 Annexure P-4 registered under Section 174-A IPC in Police Station City Faridkot as well as all the subsequent proceedings arising therefrom are quashed. It is further held that with the arrest of the petitioner in the main case, impugned order Annexure P-2 has also been rendered in-operative.
9. The present petition is disposed of in aforesaid terms.

08.07.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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