

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

**Neutral Citation No. 2024:PHHC:015166
CRM-M-45549-2023 (O&M)
Date of Decision: February 05, 2024**

Rajinder Singh Brar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

CRM-43779-2023

This is an application under Section 482 Cr.P.C. to place on record the copy of zimni orders and statements as Annexures P-4 to P-16 as passed by learned Judicial Magistrate 1st Class, Phull, Bathinda.

This application is moved in compliance of the order dated 13.09.2023.

Allowed.

Annexures P-4 to P-16 are taken on record.

Main case

By way of present petition filed under Section 482 Cr.P.C., prayer is made to quash FIR No.112 dated 24.09.2018, under Section 174-A IPC, registered at Police Sation Phul, District Bathinda, along with all the consequential proceedings arising thereof.

2. By drawing attention towards the various zimini orders passed by the Trial Court, learned counsel for the petitioner contends that the petitioner was never served. Vide order dated 09.07.2018, proclamation was directed to be issued for 30.08.2018 under Section 82 Cr.P.C. Learned counsel has then drawn attention towards the statement of

Neutral Citation No. 2024:PHHC:015166
CRM-M-45549-2023 (O&M)

- 2 -

serving official, namely H.C. Jaswinder Singh, which reveals that proclamation was effected on 26.08.2018. The said proclamation was meant on 30.08.2023, as is evident from Annexure P-15. Thus, there was a gap of only four days from the date of effecting the proclamation and the date on which petitioner was required to surrender/appear before the Trial Court concerned.

3. Notice of motion.

4. Mr. Anmol Singh Sandhu, AAG, Punjab accepts notice on behalf of respondent-State. Copy of the paper book be supplied to him during the course of day.

5. I agree with the contention of learned counsel for the petitioner that there is clear violation of Section 82 Cr.P.C. Consequently, the order dated 30.08.2018 (Annexure P-1), whereby the petitioner was declared a proclaimed person, the direction given to the S.H.O. concerned for registration of the FIR; consequent FIR No.112 dated 24.09.2018, under Section 174-A IPC, registered at Police Sation Phul, District Bathinda, along with all the subsequent proceedings arising therefrom, are hereby directed to be quashed.

Allowed.

February 05, 2024

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(DEEPAK GUPTA)

JUDGE

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