

120+208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2024:PHHC:005729
CRM-1615-2024 in/and
CRM-M-53327-2022
Date of Decision: January 16, 2024

Manjeet Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Arun Kumar Gupta, Advocate for
Mr. Rakesh Gupta, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J.(Oral)

CRM-1615-2024

This is an application to place on record the proclamation notice/warrant of arrest as Annexure P-10 and zimni orders passed by the Trial Court concerned as Annexure P-11.

Allowed.

Annexures P-10 and P-11 are taken on record.

Main Case

Prayer in this petition under Section 482 Cr.P.C. is to quash the impugned order dated 25.11.2019 (Annexure P-5) passed by learned Judicial Magistrate 1st Class, Hisar in a complaint case No.383 of 2018, titled as *“Bajaj Finance Limited v. Manjit Singh”* under Section 138 of the Negotiable Instruments Act, 1881, whereby petitioner was declared a proclaimed person. Further prayer is made to quash FIR No.457 dated 16.06.2020, under Section 174-A IPC, registered at Police Station HTM Hisar, District Hisar and all the consequential proceedings arising therefrom.

2. By drawing attention towards the various zimni orders (Annexure P-11) passed by learned Trial Court during the proceedings of criminal complaint, learned counsel for the petitioner contends that petitioner was never served.

3. A perusal of the various zimni orders would reveal that after issuance of the process against the petitioner, notice was never served upon him. As per order dated 01.10.2019, warrants of arrest issued against the petitioner were received with the report of a neighbour, as per which petitioner had gone out of station. The report was received as per order dated 11.10.2019 that petitioner had already left the village. The various orders further reveal that no effort was made by the Trial Court concerned to ask the respondent-complainant to provide the latest/correct address of the petitioner-accused for serving him at that address. Instead of making any such effort, proclamation under Section 82 Cr.P.C. was issued vide order dated 11.10.2019 and after the proclamation was received duly served, the petitioner was declared proclaimed person on 25.11.2019. Learned counsel has also drawn attention towards the report of the concerned Serving Constable, as per which, for the last more than one year petitioner had left the village and had gone to Chandigarh.

4. Learned counsel for the petitioner has further drawn attention towards the fact that as soon as the petitioner came to know about the fact that he has been declared as a proclaimed person, he had approached the complainant and that complainant-respondent had withdrawn the complaint vide order dated 10.02.2021 (Annexure P-6).

5. Having regard to all the aforesaid facts and circumstances, when it is noticed by this Court that the petitioner was never served nor any effort was made to serve him on the address to be provided by the complainant, the petitioner has been wrongly declared as proclaimed person. Besides, the main complaint, in which the petitioner was declared proclaimed person, has already been withdrawn. In these circumstances, continuation of the proceedings under Section 174-A IPC will be a futile exercise. As such, the impugned order dated 25.11.2019 (Annexure P-5), declaring the petitioner as proclaimed person and the subsequent FIR No.457 dated 16.06.2020, under Section 174-A IPC, registered at Police Station HTM Hisar, District Hisar, alongwith all the consequential proceedings arising therefrom, stand quashed.

Allowed.

January 16, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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