



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

**CRM-M-53527-2024
DECIDED ON: 29.10.2024**

SUKHJINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ish Puneet Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 seeking quashing of FIR No.135, dated 14.12.2019, under Section 174-A, registered at Police Station Mehtiana, District Hoshiarpur.

Learned counsel for the petitioner contends that vide order dated 11.05.2023, the operation of the order dated 13.10.2019 passed by the trial Court has been stayed by this Court in CRM-M-24041-2023 and thereafter vide order dated 12.07.2024, the petitioner was directed to surrender before the trial Court. He further contends that the petitioner is continuously appearing and facilitating the furtherance of trial since the order dated 12.07.2024 was passed. Moreover, after his surrendering he has been granted the concession of bail by the trial Court and therefore, no ground exists for continuation of proceedings under Section 174-A IPC and even his examination-in-chief stands recorded after his summoning as an additional accused. The said petition is pending for hearing on 21.01.2025.

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and would corroborate the fact that the petitioner is duly appearing in the trial Court in

each and every date since the direction issued by this Court vide order dated 12.07.2024 there is no default on his part.

In the light of above factual aspects as has been unfolded before this Court, there would be no use of continuing the proceedings in the instant FIR in view of the settled mandate in “***Rahul Dureja and another versus State of Punjab***”, 2022 (1) RCR (Crl.) 248, wherein it has been held that once the accused has already surrendered before the trial Court and has been granted the concession of bail, then effect of order declaring the petitioner as proclaimed person would dissipate and therefore, the continuation of the proceedings under Section 174-A IPC would be an abuse of process of law as the proceedings under Section 174-A IPC are result of the non-appearance of the accused-petitioner which stands regulated once he surrenders before the Court.

In the light of the fact that now the petitioner has been regularly appearing before the trial Court, therefore, automatically the proceedings under Section 82 Cr.P.C. would be a futile exercise and registration of FIR in pursuance thereof will serve no purpose whatsoever.

Hence, FIR No.135, dated 14.12.2019, under Section 174-A, registered at Police Station Mehtiana, District Hoshiarpur along with all subsequent proceedings arising therefrom, is hereby quashed qua the petitioner.

The present petition is allowed in the aforesaid terms.

29.10.2024

Poonam Negi

**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No