

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5007-2024
DECIDED ON: 22.02.2024

RAJESH KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Naresh Kumar Tomar, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C., has been invoked seeking setting aside of the impugned order dated 16.10.2017 passed by Judicial Magistrate Ist Class, Gurugram, whereby, the petitioner has been declared proclaimed offender with further prayer for quashing of FIR No. 927, dated 12.11.2021, under Section 174-A IPC, registered at Police Station Shivaji Nagar, Gurugram, Haryana.
2. Learned counsel for the petitioner submits that the petitioner was never served by the trial Court to appear in the complaint under Section 138 of NI Act and in that eventuality, there was no occasion for him to join the trial proceedings. He further submits that without appreciating the fact that no effective service has been made upon the petitioner, the proceedings under Section 83 of Cr.P.C., were initiated against him, which resulted into an FIR No.0927 dated 12.11.2021 under Section 174-A of IPC, registered at Police Station Shivaji Nagar Gurugram, Haryana (Annexure P-5).

3. It is submitted on behalf of the petitioner that in compliance of order dated 31.01.2024, he has surrendered before the trial Court and also deposited the cost imposed upon him vide order of the even date.
4. Reply dated 15.02.2024 filed by way of an affidavit of Mukesh Kumar, HPS, Assistant Commissioner of Police, City, Gurugram along-with copy of order dated 09.02.2024 passed by learned trial Court, is taken on record. Copy whereof, has been supplied to the counsel opposite.
5. From perusal of order dated 09.02.2024, it is evident that the petitioner has surrendered before the Court concerned and also deposited the cost of Rs.5,000/-. It is also evident from the afore-said order that the petitioner is enlarged on bails subject to his furnishing personal bonds to the tune of Rs.30,000/- with one surety in the like amount to the satisfaction of the concerned Court.
6. In view of above, the order dated 16.10.2017 declaring the petitioner proclaimed offender is hereby, quashed.
7. In the afore-said terms, the present petition is disposed off, accordingly.

(SANDEEP MOUDGIL)
JUDGE

22.02.2024
Sham

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