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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-63160-2023 (O&M)
Date of Decision: 16.04.2024

JATIN SINGLA

.. Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Arun Jindal, Advocate and
Mr. Kanish Jindal, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, Asstt. A.G., Punjab.

Mr. Shubham Mehta, Advocate for
Mr. Vivek Singla, Advocate
for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. Prayer in the present petition is for quashing the order dated 10.04.2023 (Annexure P-5), passed by the Sub-Divisional Judicial Magistrate, Nihal Singh Wala, whereby the petitioner has been declared as Proclaimed Person in FIR No. 143, dated 13.10.2021, under Sections 406 and 498-A of IPC, registered at Police Station Badhni Kalan, District Moga and all other consequential proceedings arising therefrom.
2. On 13.02.2024, the following order was passed:

Prayer in the present petition is for quashing the order dated 10.04.2023 (Annexure P-5), passed by the Sub-Divisional Judicial Magistrate, Nihal Singh, whereby the petitioner has been declared as Proclaimed Person in FIR No. 143, dated 13.10.2021, under Sections 406 and 498-A of IPC, registered at Police Station Badhni Kalan, District Moga.

Counsel for the petitioner inter alia contends that the FIR was got registered at the instance of father-in-law of the petitioner on 13.10.2021, under Sections 406 and 498-A of IPC against the present petitioner and his parents. However, the

petitioner was residing in Canada. The ‘challan’ has been presented on 21.03.2022 and notice issued to the petitioner for 10.05.2022 was received back with the report that he is residing abroad and thereafter, bailable warrants of the petitioner were issued. Even on the said warrants, the report was received that the petitioner has gone abroad. Despite that, the petitioner has been declared Proclaimed Person as per order dated 10.04.2023 (Annexure P-5) without following the proper procedure prescribed under Section 82 of Cr.P.C.

Notice of motion.

Having received advance copy of the petition, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1 and seeks time to file reply.

Adjourned to 20.03.2024, for service of respondent No. 2.

In the meantime, petitioner is directed to appear before the investigating agency within a period of one month from today and in the event of his arrest, he shall be admitted to interim bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of the investigating officer.

Till then the impugned order dated 10.04.2023 (Annexure P-5) shall be kept in abeyance.

3. Vide order of even date i.e. 16.04.2024 passed in CRM-M-10646-2024, the FIR in question stands quashed upon a settlement having been entered into between the parties in respect of which report has also been received from the concerned lower Court.

4. In view of the above, the petition is allowed and order dated 13.02.2024 is made absolute and the impugned order dated 10.04.2023 is quashed.

5. Pending application(s), if any, shall also stand disposed off.

16.04.2024

Jasmine Kaur

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No