



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

**CRM-M-35334-2025
Date of Decision: 08.08.2025**

Bahadur Singh

...Petitioner

Vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Abhijeet Chaudhary, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to quash the order dated 15.04.2024 passed by the Court of Judicial Magistrate Ist Class, Karnal (Annexure P-4), complaint dated 19.04.2024 (Annexure P-5) and all subsequent proceedings arising out therefrom.

2. Learned counsel for the petitioner vehemently argued that the petitioner is posted as a Sub Inspector in Police Station Gharaunda, District Karnal and he was appointed as a Investigating Officer in a case arising out of FIR No.158/2018, registered in his police station. After completion of investigation, the challan was presented before the Court of Judicial Magistrate Ist Class, Karnal and the trial is pending before the said Court. During the trial, the case was listed before the Court on 10.04.2024 and the present petitioner was directed to file a reply on 15.04.2024. On 15.04.2024, the petitioner was



deputed to go to Kakaur, District Baghpat (U.P) for conducting the investigation in another case i.e. FIR No.197/2024, under Sections 363/366A of IPC Police Station Gharaunda, District Karnal. Learned counsel for the petitioner has placed reliance on General Diary Report (Annexure P-2) in this regard. He further contends that vide letter dated 15.04.2024 (Annexure P-3), the SHO Police Station Gharaunda requested the Trial Court to adjourn the case as the petitioner was away to Kakaur, District Baghpat (U.P) in connection with search of a minor girl, Shivani aged about 14 years. However, the Trial Court vide the impugned order (Annexure P-4) observed that the petitioner had not appeared despite direction to him to submit his reply, the action under Section 174-A of IPC was ordered to be initiated against him on account of his non-appearance. Even, vide the communication (Annexure P-5), the Chief Judicial Magistrate, Karnal was directed to initiate the complaint against the present petitioner. Learned counsel further submits that orders (Annexures P-4 and P-5) and all subsequent proceedings arising therefrom are liable to be quashed by this Court.

3. On the other hand, a detailed reply has been filed by the Deputy Superintendent of Police, Gharunda and the same is taken on record.

4. Learned State counsel submits that on 15.04.2024, the petitioner had gone for the search of a minor girl, aged about 14 years vide DDE No.03, dated 15.04.2024 in a case FIR No.197 dated 10.04.2024, under Sections 363,366-A of IPC, Police Station Gharaunda and he made search in village Kakaur in the jurisdiction of Police Station Chaprouli, District Baghpat, Uttar Pardesh and had also reported at Police Station Chaprouli vide DDE No.23,



dated 15.04.2024. In fact, the SHO also sent a request letter to the Trial Court, however, the Trial Court, had already passed by the impugned order (Annexure P-4) regarding the non-appearance of the petitioner.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, it is apparent from the submissions made by both the parties that act of non-appearance of the petitioner on 15.04.2024 was unintentional and it was only on account of the fact that the he had been deputed by the senior police officers to conduct the search of minor girl at Village Kakaur, District Baghpat, Uttar Pardesh. Even, before leaving his police Station, he made an entry in *Rojnamcha* of the police station vide DDE No.03, dated 15.04.2024 and also made another entry in the *Rojnamcha* of Police Station Chaprouli, District Baghpat, Uttar Pardesh. Thus, due to certain circumstances beyond his control, he could not appear before the Trial Court on 15.04.2024. Even otherwise, it is also borne out from the record that the SHO of the police station had also sent a request letter to the Trial Court, seeking exemption from personal appearance on 15.04.2024, however, by the time, the request letter was placed before the Trial Court, the Trial Court had already passed the impugned order dated 15.04.2024 (Annexure P-4), which led to filing of complaint (Annexure P-5).

7. Thus, this Court has no hesitation to hold that the Trial Court had proceeded to initiate proceedings under Section 174-A of IPC against the petitioner in exceptional hurry. Even otherwise, the Trial Courts should not initiate such harsh action against the police officials on account of their non-



appearance only on one date. Even otherwise, in the present case, the petitioner could not appear before the Trial Court due to certain circumstances, which were beyond his control and he was discharging his official duties on 15.04.2024.

8. Thus, in view of above discussion, the present petition succeeds. The impugned order dated 15.04.2024 passed by the Court of Judicial Magistrate Ist Class, Karnal (Annexure P-4) and complaint dated 19.04.2024 (Annexure P-5) and all consequential proceedings arising out therefrom are liable to be quashed by this Court.

08.08.2025

hitesh

(N.S.SHEKHAWAT)
JUDGE

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