



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

202

CRM-M-65003-2023

Date of Decision: 21.02.2025

SIMARJIT SINGH BAINS

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. A.P. S. Deol, Sr. Advocate with  
Mr. Vishal R. Lamba, Advocate and  
Mr. Himmat Singh Deol, Advocate for the petitioner.

Mr. Satjot Singh Chahal, AAG, Punjab.

**TRIBHUVAN DAHIYA, J. (Oral)**

The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR no.147, dated 11.07.2022, registered under Section 174-A IPC, at Police Station Sarabha Nagar, District Ludhiana, Annexure P-2, and all consequential proceedings pending before the Judicial Magistrate Ist Class, Ludhiana.

2. Learned senior counsel for the petitioner contends that at the time when the incident in question transpired, the petitioner was MLA from Atam Nagar Constituency, Ludhiana. He had been implicated in the case FIR no.118, dated 12.06.2018, registered under Sections 451, 353, 186 and 506 IPC, at Police Station Sarabha Nagar, Ludhiana. During trial, vide order dated 01.07.2022, he was declared a proclaimed person, and the present FIR was registered against him under Section 174-A IPC. Learned counsel has further contended that the petitioner was not aware of the proceedings pending before the trial Court in the case, and came to know about it on 11.07.2022, when he surrendered on his own before the Judicial Magistrate Ist Class, Ludhiana, in



another case, FIR no.180/2021, registered at Police Station Division no.6, Ludhian. The instant FIR was lodged on the same date later in the evening at 19:52 hours by showing him a proclaimed person. Once he has surrendered before the trial Court on 11.07.2022, he could not have been declared a proclaimed person the same day. The application for discharge moved by him before the trial Court on this ground has been wrongly dismissed, vide order dated 11.10.2023, by holding that surrender in another FIR has no relevance in the instant case.

3. Still further, it has been submitted that the petitioner stands acquitted in the main case, i.e., FIR no.118, dated 12.06.2018, vide judgment dated 05.10.2023, as the prosecution failed to prove its case beyond any shadow of doubt. Once he has been acquitted in the main case, no purpose will be served by proceeding against him in the instant FIR registered under Section 174-A IPC.

4. Learned State counsel, on the contrary, contends that the petitioner is not entitled to any benefit on account of surrender in another case on 11.07.2022, as it is inconsequential so far as the instant case is concerned. He was declared a proclaimed person on 01.07.2022, though the FIR in question was lodged on 11.07.2022.

5. Heard.

6. Admitted facts on record are, the petitioner has already been acquitted in the main case, i.e., FIR no.118, dated 12.06.2018, registered under Sections 451, 353, 186 and 506 IPC, at Police Station Sarabha Nagar, Ludhiana, vide judgment dated 05.10.2023. Besides, he had appeared before the trial Court and was admitted to bail vide order dated 01.02.2023,



condoning the default. The instant FIR has been lodged only to secure his presence in the case which already stands decided by acquitting him of the charges. Besides, the petitioner's absence from the proceedings in itself does not make it intentional. It is also a fact that he had surrendered before the Court in another case in the morning on 11.07.2022, prior to lodging of the FIR that day.

7. Also, the law is settled that once the accused stands acquitted in the main case, proceedings against him under Section 174-A IPC will be an abuse of the process of law. A reference in that regard can be made to the judgment by this Court in CRM-M-28537-2022 titled *Mohit alias Mohit Bhupal v. State of Punjab and another*, holding as under:

12. In the present case, FIR No.113 dated 26.06.2021 was registered under Sections 323, 324, 148, 149 of the IPC (Sections 325 and 326 of the IPC have been added later on) at Police Station Mahilpur, District Hoshiarpur against the present petitioner and during the course of the proceedings in said FIR, the petitioner was declared as proclaimed offender vide order dated 07.01.2022 (Annexure P-2) in which, the Judicial Magistrate Ist Class, Garhshankar had directed that necessary intimation be sent to the concerned Police Station and it is in pursuance of the said order that the present FIR under Section 174-A of the IPC has been registered. A perusal of the order dated 07.04.2022 (Annexure P-3) would show that the petitioner has been granted regular bail in FIR No.113 and in the said proceedings, compromise has been effected between the parties and it is on the basis of the said compromise, FIR No.113 has been quashed by this Court vide order dated 31.05.2022 (Annexure P-5). Since, the present FIR was registered on account of non-appearance in the trial Court in FIR No.113 which has ultimately been quashed, thus, in view of law laid down in the



abovecited judgments, further proceedings in the present FIR would be an abuse of process of the Court.

8. Accordingly, this petition is allowed. FIR no.147, dated 11.07.2022, registered under Section 174-A IPC, at Police Station Sarabha Nagar, District Ludhiana, and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioner.

(TRIBHUVAN DAHIYA)  
JUDGE

21.02.2025  
*Ad*

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |