



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

**CRM-18093-2025 in/and
CRM-M-60890-2024
Date of decision : 08.05.2025**

Suresh Kumar Bajaj

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Addl.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

CRM-18093-2025

Prayer in the present petition has been made for preponing the date of hearing in the main case to an early date.

In view of the reasons mentioned in the application, same is allowed. The main case is taken up on Board today itself, for hearing.

CRM-M-60890-2024

1. Prayer in the present petition has been made for quashing and setting aside the order dated 25.10.2024 passed by the Court of Ld. Judicial Magistrate Ist Class, Kharar, whereby, merely on filing of an application by the prosecution, the Court below proceeded to initiate proceedings under Section 195 Cr.P.C. and proceeded against the petitioner as per Section 174-A IPC in a mechanical manner. Further to quash order dated 08.11.2024, whereby the request of the investigating agency for initiating a fresh complaint under Section 209 of BNS was allowed in an absolutely mechanical manner, in FIR No.123 dated 19.11.2022 under Section 420, 467, 468, 471, 472 & 120-B of IPC



registered at Police Station Mullanpur, District SAS Nagar, Mohali. Further prayer has been made for quashing of FIR No.147 dated 13.11.2024 registered under Section 209 of BNS, at Police Station Mullanpur, District SAS Nagar, Mohali, along with all consequential proceedings arising therefrom and further for staying the further proceedings arising out of the same FIR.

2. It has been contended by learned counsel for the petitioner that the petitioner was prosecuted in FIR No.123 dated 19.11.2022 under Section 420, 467, 468, 471, 472 & 120-B of IPC registered at Police Station Mullanpur, District SAS Nagar, Mohali. He submits that on the application moved by the prosecution, learned trial Court issued non-bailable warrants against the petitioner vide its order dated 27.05.2024. Aggrieved by the same, he approached this Court for grant of anticipatory bail by way of filing CRM-M-41190-2024, however the same was dismissed vide order dated 05.09.2024. Thereafter, he approached the Hon'ble Supreme Court by way of filing of SLP (Crl.)No.13986 of 2024 and in that case, he was granted the interim bail by the Hon'ble Supreme Court vide its order dated 18.10.2024, wherein it was observed that on furnishing the bail bonds to the satisfaction of the Judicial Magistrate Ist Class, Kharar, the petitioner shall be admitted to interim bail. He submits that in pursuance to the order passed by the Hon'ble Supreme Court, the petitioner appeared before the learned trial Court on 22.10.2024 and he was admitted to bail. However, after 03 days i.e. on 25.10.2024, the present FIR was registered against the petitioner for the offence under Section 174-A IPC. Thereafter, the learned trial Court after registration of the FIR under Section 174-A IPC on 25.10.2024, again passed the order dated 08.11.2024 directing registration of FIR under the new provisions



i.e. under Section 209 of BNS. He submits that once the petitioner already appeared before the learned trial Court in pursuance to the order dated 22.10.2024, passed by the Hon'ble Supreme Court, registration of the FIR for his absence, is totally illegal and the prosecution of the petitioner for the same is nothing but an abuse of the process of the Court. He submits that the petitioner was regularly appearing before the trial Court and thus, FIRs along with impugned orders deserve to be set aside. He relied upon the judgments passed by this Hon'ble Court passed in '**Smt. Deeksha Puri Vs. State of Haryana, 2012 SCC Online P&H, 20122**' and '**Ashok Madan Vs. State of Haryana, 2019 SCC Online P&H 7782.**'

3. Notice of motion.

4. On the asking of the Court, Mr. Tarun Aggarwal, Addl.A.G., Punjab, accepts notice on behalf of respondent-State. He has fairly submitted that the petitioner is appearing before the trial Court.

5. After hearing learned counsel for the parties and perusing the record, it is apparent from the facts and circumstances of the case that the petitioner was granted interim bail by the Hon'ble Supreme Court vide order dated 18.10.2024 with direction to appear before the trial Court and furnish the bail bonds. The petitioner duly appeared before the trial Court and furnished the bail bonds on 22.10.2024. However, it is thereafter, the present FIR was registered whereas the petitioner had already appeared before the trial Court. This Court finds that the prosecution of the petitioner is nothing but an abuse of process of the Court.

6. Keeping in view the above-said facts and the law settled, continuation of the proceedings under Section 174-A of IPC/209 of BNS shall be abuse of the process of the Court. Consequently, present petition is disposed of and impugned orders dated 25.10.2024 and 08.11.2024,



passed by the Ld. JMIC, Kharar including FIR No.147 dated 13.11.2024 registered under Section 174-A of IPC/209 of BNS, at Police Station Mullanpur, District SAS Nagar, Mohali, along with all subsequent proceedings arising out of the same, are hereby quashed.

7. As stated by learned counsel for the petitioner that the petitioner is already appearing before the learned trial Court and is facing the proceedings, he is directed to keep on appearing before the trial Court as per its order, during the trial of the above said case.

(RAJESH BHARDWAJ)
JUDGE

08.05.2025
ps-I

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