

Punjab-Haryana High Court

JUSTICE ANUPINDER SINGH GREWAL

Vikas Sharma v. Gurpreet Singh Kohli

CRM No. M-32465 of 2017

13.09.2017

IPC S. 174-A

Indian Penal Code, 1860 (XLV of 1860) Section 174-A - Petitioner could not appear before the trial Court as he was stated to have not been served at the address, where he was residing - After the passing of the order declaring him as a proclaimed person, he had surrendered before the trial Court and was ordered to be released on bail - In such circumstances, especially, when the petitioner has duly surrendered before the trial Court, continuation of proceedings under Section 174-A IPC would be an abuse of the process of Court.

Mr. Rajesh Gupta, for the petitioner. Mr. Karan Sharma, Assistant Advocate General, Haryana.

Anupinder Singh Grewal, J.(Oral) The petitioner is seeking quashing of order dated 30.08.2016 (Annexure P-4) passed by Judicial Magistrate Ist Class, Ambala, in complaint No. 1021/2015 dated 27.07.2015, whereby the petitioner was declared as proclaimed person and a direction was issued to police to register FIR under Section 174-A IPC against the petitioner; he is also seeking quashing of FIR No. 76 dated 17.03.2017 under Section 174-A IPC registered at Police Station Parao, District Ambala Cantt.

2. Learned counsel for the petitioner contends that the petitioner could not appear before the trial Court because he was not aware of the proceedings as he was not served at the address where he was residing. The petitioner after learning about the order declaring him as proclaimed person, has duly surrendered before the trial Court on 29.03.2017 and has been ordered to be released on bail. A copy of the order dated 29.03.2017 passed by the trial Court releasing the petitioner on bail is appended hereto as Annexure P-6.

3. To support his submissions, learned counsel has placed reliance upon the judgment of a co-ordinate Bench of this Court in the case of "Raj Kumar Vs. State of Haryana", passed in CRM No. M-5895 of 2012, decided on 13.09.2012.

4. Heard.

5. The petitioner could not appear before the trial Court as he was stated to have not been served at the address, where he was residing. After the passing of the impugned order declaring him as a proclaimed person, he had surrendered before the trial Court on

29.03.2017 and was ordered to be released on bail. In such circumstances, especially, when the petitioner has duly surrendered before the trial Court, continuation of proceedings under Section 174-A IPC would be an abuse of the process of Court. I draw support from the judgment of a coordinate Bench of this Court in the case of *Raj Kumar* (supra), wherein it was held that as the petitioner therein had appeared before the trial Court and granted bail, the continuation of criminal proceedings under Section 174-A IPC would amount to an abuse of process of law.

6. Consequently, the impugned order dated 30.08.2016 is set- aside and FIR No. 76 dated 17.03.2017 under Section 174-A IPC registered at Police Station Parao, District Ambala Cantt. and all consequential proceedings arising therefrom are hereby quashed qua the petitioner.

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