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

**CRM-M-48648-2024
DATE OF DECISION: 10.02.2025**

TARUNJIT SINGH ARORA ...PETITIONERS

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Jagpal, Advocate for the petitioner(s).

 Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 482 of Cr.P.C. for quashing of order dated 21.8.2024 (P-11) passed by JMIC, Ludhiana in FIR No.18 dated 13.2.2024, U/s 420, 465, 467, 468, 471, 120-B IPC, P.S. Dugri, Distt. Ludhiana whereby petitioner has been declared as Proclaimed Person.

Short reply by way of affidavit of Harjinder Singh, PPS, Assistant Commissioner of Police (South), Police Commissionerate, Ludhiana has been filed on behalf of the respondent-State, the same is taken on record. Copy of the same has been furnished to the counsel opposite. The relevant paragraphs Nos. 4 to 8 have been reproduced below :-

'4. That the brief facts pertaining to the present case/FIR are that the present FIR has been registered on the complaint of the complainant namely Mohinder Singh, stating therein that the present petitioner is the neighbour of the complainant and they



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both know each other. The petitioner/accused, in connivance with the other co-accused, have defrauded the complainant on the pretext of selling different properties to him and misappropriated a huge amount of Rs.2,41,68,824/-. They also forged various documents in order to induce the complainant and they used those forged documents as genuine in order to gain wrongfully. The petitioner/accused, in connivance with each other, have cheated the complainant in a pre-planned manner.

5. That the present petitioner evaded his arrest in the present FIR, thus the police authorities were constrained to approach the Ld. Trial Court for issuance of Bailable and Non Bailable warrants. Despite the same, the petitioner failed to appear before the Ld. Trial Court and as a consequence Proclamation was issued by the Ld. JMIC, Ludhiana on dated 12.07.2024 requiring the present petitioner to appear before the Ld. JMIC on 21.08.2024.

True copy of the Proclamation dated 12.07.2024 issued by the Ld. JMIC, Ludhiana is annexed herewith as Annexure R-1

6. That on dated 14.07.2024 the statement of Serving official was recorded stating that the proclamation was duly effected.

7. That on the lapse of stipulated period of 30 days as mandated by Section 82 Cr.P.C. the present petitioner was declared as Proclaimed person vide order dated 21.08.2024 passed by the Ld. JMIC, Ludhiana.

8. That it is most respectfully submitted that the deponent called for the complete record pertaining to the present case and it has come to light that the present petitioner approached the Hon'ble High Court for grant of anticipatory bail vide CRM-M-30027 of 2024 and this Hon'ble Court was pleased to grant interim relief vide Order dated 18.06.2024. The present petitioner joined investigation on dated 26.06.2024 and 28.06.2024. That there are total 7 accused namely Jasdeep Singh, Baljit

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Singh, aj Singh, Amit Kumar, Prakash Kaur, Satnam Kaur and the present petitioner. The while getting the NBW issued for the accuseds, as they were evading arrest, the Investigating Officer ASI Sunil Kumar failed to apprise the Ld. Court that one of the accused namely Tarunjit Singh Arora (Present Petitioner) has already joined investigation in compliance of the Orders passed by the Hon'ble High Court and has thus conducted in gross negligent manner and getting the present petitioner declared as Proclaimed Offender although he has joined the investigation. Thus keeping in view the negligent act, departmental proceedings have been recommended against the Investigating Officer ASI Sunil Kumar as well as the SHO Inspector Gurpreet Singh Handa by the deponent vide office letter no. 93-5A/ACP South Ldh dated 29.01.2025.'

A perusal of the same shows that while getting non-bailable warrants issued against the accused who were evading arrest, the Investigating Officer ASI Sunil Kumar failed to apprise the Court that one of the accused namely Tarunjit Singh Arora (Present Petitioner) has already joined investigation and he has been granted anticipatory bail by this Court.

In light of the above, a wrong order was passed on account of negligence of ASI Sunil Kumar and the petitioner was declared PO along with other co-accused despite having joined the investigation, added with the fact that departmental enquiry has been recommended against the investigating officer ASI Sunil Kumar as well as SHO Inspector Gurpreet Singh Handa vide office letter dated 29.01.2025 and further, the fact has been unfolded in the affidavit that the order

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has been passed on wrong assertion made by the State of Punjab before the Trial Court, hence, that order would not survive and therefore, the impugned order dated 21.08.2024 (Annexure P-11) is hereby set aside.

The petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

10.02.2025
anuradha

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*