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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-7116-2025 in/and  
CRM-M-65409-2024  
Date of decision : 28.02.2025

**Sandeep Bhati @ Sandeep @ Bhonta @ Bhota**

.....Petitioner

**Versus**

**State of Haryana**

..... Respondent

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Suresh Kumar Kaushik, Advocate  
for the petitioner.

**RAJESH BHARDWAJ, J. (Oral)**

**CRM-7116-2025**

Instant application has been filed for preponing the main case from 24.04.2025 to an early date.

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

**Main case**

1. Prayer in the present petition is for quashing/setting aside of order dated 06.11.2024 passed by the learned Judicial Magistrate Ist Class, Gurugram in criminal trial bearing No.CHI-40270 of 2022, vide which the petitioner was declared as proclaimed person and for quashing of FIR No.1890 dated 17.11.2022 registered under Section 174-A IPC at police Station Shivaji Nagar, District Gurugram and all other subsequent proceedings arising out thereto, in view of the judgment 09.01.2023 (Annexure P-4), whereby the learned Court has acquitted the petitioner from the charges of FIR/trial during which the petitioner was declared a proclaimed person.



2. It has been submitted by learned counsel for the petitioner that the petitioner was prosecuted in FIR No.25 dated 21.01.2015 under Sections 356 and 379 of IPC at Police Station Sector-56, Gurugram. He has submitted that during the trial, the petitioner was declared as a proclaimed person on 28.10.2022 and the impugned FIR No.1890 dated 17.11.2022 under Section 174-A of IPC, was registered against him. However, the petitioner later on was arrested and the trial in the main FIR commenced. It is submitted that after the trial, learned trial Court, finding the charges framed against him having not been proved, acquitted him vide its order dated 09.01.2023 but the trial in the impugned FIR registered under Section 174-A IPC, remained pending and the petitioner was further declared as proclaimed person in the said FIR as well vide impugned order dated 06.11.2024 as he failed to appear in the same. He submits that the petitioner was regularly appearing in the main case as well as in the impugned FIR. He submits that due to the miscommunication, he did not appear and hence he was again declared as proclaimed person vide impugned order dated 06.11.2024. He submits that the petitioner never intended to disobey the Court's order and that when it has come to his notice, he immediately approached the trial Court for grant of anticipatory bail which was dismissed vide order dated 12.12.2024, hence he approached this Court through the present petition seeking quashing of impugned FIR as the main case. He submits that no useful purpose would be served by sending the petitioner behind bars. He submits that keeping in view of the aforesaid facts, especially that the petitioner has already been acquitted in the main case, his prosecution in the impugned FIR are nothing but an abuse of process of the Court.

3. Notice of motion to official respondent only.

4. On asking of the Court, Mr. Kirpal Singh Thakur, A.A.G., Haryana accepts notice on behalf of respondent - State and opposes the



prayer made by learned counsel for the petitioner. He submits that not only he was declared proclaimed person in the main case but he was further declared proclaimed person in the impugned FIR which was registered due to his absence and P.O. proceedings were initiated against him and hence, he does not deserve any leniency as not only he remained absent in the main FIR but also in the P.P. proceedings.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner faced trial in a criminal case and during pendency of the same, he was declared a proclaimed person and as a result thereof, case FIR No.1890 dated 17.11.2022 was registered under Section 174-A IPC at police Station Shivaji Nagar, District Gurugram. Ultimately, the petitioner was acquitted in the main case but the case arising out of his absence in pursuance to the above said FIR remained pending and in this case also he was declared as proclaimed person due to his absence. As the root cause of the controversy i.e. main criminal trial stands concluded wherein the petitioner has been acquitted, so the continuation of the proceedings to the above detailed FIR are nothing but an abuse of process of the Court. So keeping in view the abovesaid facts, the Court is of the opinion that the prosecution of the petitioner would be an abuse of the process of Court. Impugned order dated 06.11.2024 as well as FIR No.1890 dated 17.11.2022 registered under Section 174-A IPC at police Station Shivaji Nagar, District Gurugram, are hereby quashed, subject to payment of Rs.35,000/- as costs to be paid to the **‘Spinal Rehab Centre, Chandigarh, Plot No.1, Madhya Marg, Sector-28/A, Chandigarh’** by the petitioner within 10 days week from today and submit the receipt of the cost before the trial Court concerned. In case, the petitioner fails to comply with the abovesaid direction within stipulated period, he will have no benefit of abovesaid order and the present petition shall be deemed to have been



dismissed.

6. The present petition is allowed in abovesaid terms.
7. Registry is directed to send a copy of this order to the trial Court concerned forthwith.

28.02.2025

*ps-I*

( **RAJESH BHARDWAJ** )  
**JUDGE**

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