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

CRM-M-23554-2025 (O&M)
Date of Decision:- 11.08.2025

VIVEKANANDA VIRBHADRA MANGNALE ...Petitioner

Vs.

STATE OF U.T., CHANDIGARH AND ANR. ...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rakesh Bhatia, Advocate for the petitioner.
Mr. Rahil Mahajan, Addl, PP, UT, Chandigarh.
Mr. Rahul Sharma, Advocate for respondent No.2.

AMARJOT BHATTI, J.

CRM-26938-2025

Learned counsel for applicant/petitioner has filed an application for placing on record copy of orders dated 10.02.2025, 15.02.2025, statement of Cr. Vivek and order dated 30.04.2025 as Annexures P-3 to P-6).

Learned counsel for the U.T., Chandigarh submits that he has no objection to the application being allowed.

For the reasons mentioned in the application and no objection suffered by State counsel, application is allowed and accompanied documents are taken on record as Annexures P-3 to P-6, subject to just exceptions.

**CRM-28716-2025**

Learned counsel for the applicant/petitioner filed instant application for placing on record reply to the status report as well as supplementary status report along with Annexure P-3.

For the reasons mentioned in the application, same is allowed and the accompanied documents i.e. reply to the status report as well as application filed by Parwinder Kaur addressed to Senior Superintendent of Police, Chandigarh, Sector-9, Chandigarh Annexure P-3, are taken on record, subject to just exceptions.

Main case.

1. Petitioner has filed instant petition for quashing of order dated 24.03.2025 (Annexure P-2) passed by learned ACJM, Chandigarh whereby petitioner has been declared as proclaimed person/absconder in FIR No.72 dated 19.12.2024 under Sections 376, 406 of IPC registered at P.S. I.T. Park, Chandigarh, without execution of non-bailable warrants of arrest obtained by the Investigating Officer from the Court and after a gap of 5 days application was filed for starting proclamation proceedings in an arbitrary manner without following proper procedure or any other order which the Court may deem fit and proper in the given facts and circumstances of the case.

2. As per the facts of the case, FIR No.72 dated 19.12.2024 was registered on the statement of prosecutrix 'PK' who stated that she was working as Sales Girl in Saraf Jewellers, S.C.O. 45, Pocket-1, Manimajra, Chandigarh. Present petitioner came to purchase gold jewellery and she had



shown him the articles. He made his payment through credit card. After few days he again came to the showroom to purchase gold articles and again made payment by credit card. He took her mobile phone number while leaving. He started sending messages and also started conversation with her by making whatsapp call from his mobile phone. She had also sent money as he required it in the month of December. He told her that he was running Casino ad Hotel at Goa and police had seized his bank account, therefore, he was in need of money. He requested for help for issuance of credit card in her name. Prosecutrix believed him and brought credit card in her name from HDFC Bank. He again insisted for other credit cards and accordingly she got issued two credit cards from State Bank of India. She also brought him credit cards of other banks as per his requirement. Vivek used her credit card for shopping at various places and when she demanded back her money he assured that in the near future his accounts will be released and he will repay entire money. They started meeting each other, he also proposed her for marriage. He fully knew that her husband had left her 7 years ago and she was having two kids. He assured to support her and insisted to meet her parents. In January, 2021 he brought her to Hotel Lalit where he booked a room and took her there. He wanted to have physical relations with the assurance of marriage. Despite her refusal he developed forcible relation with her. He started demanding more money. He took loan in her name and used credit cards. After some time, she insisted for marriage then he put off the matter on one pretext or the other. He stopped responding to her calls. On 03.11.2024 at about 1 pm two ladies came to the show room and one of



the lady disclosed that she was wife of Vivek and they were having a daughter. Said lady misbehaved with her. She made a call to police help line No.112. Thereafter, she filed a complaint on the basis of which present FIR has been registered.

3. Learned counsel for the petitioner denied the allegations. He pointed out that he had approached Sessions Court for grant of anticipatory bail in case FIR was registered against him. He was protected vide order dated 30.11.2024 (Annexure P-1) and it was ordered that in case of FIR he may be served 7 days notice in writing. After registration of FIR, no notice was served upon him. Police issued non-bailable warrants of arrest on 04.02.2025 and thereafter as per order dated 10.02.2025 (Annexure P-3) non-bailable warrants not received back served or unserved and on the basis of DDRs, application was filed for initiating proclamation proceedings. Hurriedly the process was completed and he was declared proclaimed person/absconder vide order dated 24.03.2025 (Annexure P-2). He never received any process issued by Investigating Agency or the Court as a result he could not appear before the Investigating Agency nor he could avail the legal remedy available to him as per law. Therefore, impugned order dated 24.03.2025 (Annexure P-2) may kindly be set aside by accepting the present petition or any other relief as the Court may deem fit.

4. On the other hand, learned counsel representing UT, Chandigarh filed status report taking the stand that on receipt of complaint from the prosecutrix, notice dated 09.11.2024 was issued by the Police Station Manimajra. Case was transferred to Police Station I.T. Park and

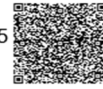


again notices were sent for 14.11.2024, which are Annexure R1/1. Investigating Officer recorded G.D. No.33 dated 26.11.2024 (Annexure R1/2) calling the petitioner on his mobile phone who informed that he was in Mumbai and he will return to Chandigarh in the evening and join the inquiry. The Investigating Officer as per G.D. No.50 dated 27.11.2024 (Annexure R1/3) again called the petitioner on his mobile number disclosing that matter was pending for 30.11.2024 but the petitioner had informed that he was not in Chandigarh. Bail application filed by the petitioner was declined vide order dated 30.11.2024 as no FIR was registered at that time and there was direction to issue 7 days prior notice in writing by the concerned Police Station on the address given in the bail application. Despite notices referred above he failed to join the inquiry. Investigating Officer approached on the given address and recorded the statement of Mukesh Kumar Gupta owner of the flat who stated that petitioner along with his family has already left the residence. G.D. No.43 dated 12.01.2025 is Annexure R1/4 and statement of Mukesh Kumar Gupta is Annexure R1/5. During investigation sufficient incriminating evidence had emerged against the petitioner. In compliance to Section 193 (2) Bharatiya Nagarik Suraksha Sanhita, 2023, final report was submitted on 15.02.2025. He was rightly declared proclaimed person on 24.03.2025 by following due procedure of law. Petitioner is mischievous person who gave incorrect address in order to avoid joining the investigation. He is having criminal antecedents. Two other FIRs are registered against him as detailed in para No. 13 of the status report i.e. FIR No.2 of 2017 dated 13.01.2017 under Sections 406, 420 IPC



registered at P.S. Shriwardhan, District Raigarh, Maharashtra and FIR No.301 dated 24.11.2022, under Sections 34, 406, 420 IPC and Section 3 and 4 of Maharashtra Protection of Interest of Depositors Act, 1999, P.S. Khadki, District Pune City, Maharashtra. Petitioner purposely left the given address and tried to misuse the order passed by learned Additional District and Sessions Court by stating that the directions of learned Additional Sessions Judge were not complied with. It is submitted that petition filed by petitioner deserves dismissal.

5. I have considered the aforesaid factual position. It is matter of record that petitioner is involved in FIR No.72 dated 19.12.2024 under Sections 376, 406 of IPC registered at P.S. I.T. Park, Chandigarh on the statement of prosecutrix. It is admitted fact that present petitioner approached the Sessions Court and filed bail application No.1978 of 2024 vide which the petition was disposed of vide order dated 30.11.2024 (Annexure P-1) and as per this order, since no FIR was registered against the petitioner, the investigating agency was directed to give 7 days prior notice in the eventuality of registration of FIR. Learned counsel representing UT, Chandigarh referred to the notices issued by them for joining the inquiry proceedings, GD No.33 dated 26.11.2024 and GD No.50 dated 27.11.2024 (Annexures R-1/1 to R-1/3). Fact remains that said notices and GDs were issued prior to the order dated 30.11.2024 (Annexure P-1). In the case in hand, FIR No.72 was registered on 19.12.2024 at Police Station I.T. Park, Chandigarh under Sections 376 and 406 of IPC, therefore, the Investigating Agency was required to give 7 days prior notice on the registration of FIR.



Learned counsel representing UT, Chandigarh stated that after registration of said FIR no written notice was sent to the petitioner in compliance to the order dated 30.11.2024 (Annexure P-1). Therefore, concerned Police Station committed irregularity by not complying the aforesaid direction.

6. Another aspect of the present case is initiation of proclamation proceedings. As per order dated 10.02.2025 (Annexure P-3), non-bailable warrants of arrest of present petitioner not received back either executed or unexecuted and on the written application of Investigating Officer, proclamation was issued for 24.03.2025. There is order dated 24.03.2025 (Annexure P-2) according to which proclamation proceedings were carried out by Ct. Vivek whose statement is Annexure P-5. He visited the given address on 14.02.2025. The proclamation and report was duly proved by him. On expiry of 30 days, he was declared proclaimed person/absconder. Aforesaid record clearly indicates that proper procedure was followed for issuance of proclamation and petitioner was given complete 30 days to appear from the date of proclamation but he failed. Therefore, at present petitioner has been declared proclaimed person/absconder.

7. Learned counsel representing petitioner time and again raised the issue that he was not served by the Investigating Agency. His non-bailable warrants of arrest were never executed. Entire procedure was followed in a hurried manner, therefore, proclamation order dated 24.03.2025 is not justified. On the other hand, learned counsel representing UT, Chandigarh has placed on record copy of G.D. No.43 dated 12.01.2025 according to which statement of Mukesh Kumar Gupta was recorded who claimed that



petitioner had left the flat by putting his lock since long. He was not aware of his whereabouts. He further claimed that even rent and other dues were not deposited by him. Statement of Mukesh Kumar Gupta dated 27.05.2025 is Annexure R-1/5. Regarding residence of present petitioner on the given address i.e. 801, Tower-1, Acme Eden Court, Sector-91, SAS Nagar, it was again confirmed that it was lying locked. There are statements of Prince (Annexure R1/6), Sikander Singh (Annexure R1/7) who confirmed that said flat was lying closed since October, 2024. There are electricity bills (Annexure R1/9) showing previous outstanding amount as well as showing minimum consumption of electricity during this period. Therefore, considering the aforesaid record, it is evidence that petitioner was not residing in the said flat to avoid the process of law. On the one hand, concerned Investigating Agency committed error by not issuing 7 days prior notice to the petitioner on registration of FIR and on the other hand petitioner also left the given address.

8. Keeping in view the aforesaid facts and circumstances, petition filed by petitioner is disposed of with the direction that impugned order dated 24.03.2025 (Annexure P-2) is quashed subject to the condition that the petitioner will surrender within 10 days from the date of this order, before the trial Court/Duty Judge and will apply for bail before the Competent Authority which will be disposed of within a span of one week as per law, failing which trial Court may proceed as per law.



9. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

11.08.2025

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