

\$~90

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Judgment delivered on: 03.08.2018

+ CRL.M.C. 3906/2018

KAUMESH RANA

..... Petitioner

versus

THE STATE THOROUGH CENTRAL BUREAU OF
INVESTIGATION DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. M.P. Singh with Mr. K.K. Singh, Advocates.

For the Respondent: Ms. Rajdipa Behura, SPP with Mr. Philomon Kani,
Ms. Kriti Handa, Ms. Hansika Sahu, Ms. Hansika
Sahu, Ms. Damini K. & Mr. Ashray Behura,
Advocates with SI Chetan Chauhan, CBI/SC-1/IO

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

03.08.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.29281/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 3906/2018

1. The petitioner impugns order dated 04.07.2018 whereby the bail

granted to the petitioner has been cancelled, personal bond as well as surety bond forfeited and non-bailable warrants along with warrants of attachment issued on failure of the petitioner to appear on 04.07.2018.

2. Learned counsel for the petitioner submits that the proceedings of the case had been stayed by the Supreme Court in Criminal Appeal No.1393/2013 titled *Naveen Kaushik vs. CBI and other connected matters*. It is submitted that by order dated 26.04.2018, the subject appeal were disposed of by the Supreme Court and parties were directed to appear before Trial Court for further proceedings on 21.05.2018.

3. Learned counsel for the petitioner submits that petitioner was not a party in the proceedings before the Supreme Court and accordingly he was not aware of the proceedings or the date fixed. Even after the date fixed before the Trial Court on 21.05.2018, no intimation or bailable warrants were issued by the Trial Court intimating the petitioner about the vacation of the stay order and directing appearance on 04.07.2018 before the Trial Court. It is submitted that it is in these circumstances, being ignorant of the vacation of the stay order and the date before the trial court, the petitioner could not appear before the Trial Court on 04.07.2018, which led the Court to cancel the bail bond and direct forfeiture of the personal bond and surety bond and issuance of non-bailable warrants.

4. Learned counsel for the petitioner undertakes that the petitioner shall appear on 21.08.2018, the date fixed before the Trial Court.

5. Learned Special Public Prosecutor for the CBI concedes that petitioner was not a party to the proceedings before the Supreme Court as

also that no intimation or bailable warrants were issued by the Trial Court prior to issuance of non-bailable warrants on 04.07.2018.

6. Keeping in view the peculiar facts and circumstances of the case, I am of the view that cancellation of the bail bond, forfeiture of personal bond and surety bonds and issuance of non-bailable warrants against the petitioner were not warranted in the facts of the present case. Accordingly, order dated 04.07.2018 is set aside. The personal bond and surety bond furnished by the petitioner stand restored and the non-bailable warrants as well as warrants of attachment issued by the said order are hereby quashed.

7. Petition is disposed of in the above terms.

8. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

AUGUST 03, 2018
ns