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

+ CRL.A. 873/2017 and CrI.M.A. No. 15235/2017

ANIL MANN & ANR ..... Appellant

Represented by: Mr. Sumit Chaudhary and Ms.  
Aakanksha Bansal, Advocates.

versus

STATE ..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI Amit,  
PS Subhash Palace.

**CORAM:**  
**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**  
**06.02.2019**

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1. The present appeal has been filed by the two sureties of Parvesh Mann @ Sagar Mann who was arrested as an accused in case FIR No. 764/2014 challenging the order dated 4<sup>th</sup> September, 2017 whereby the learned Trial Court forfeited the surety bond and directed the appellant to deposit the penalty of ₹50,000/- each as mentioned in the surety bond within one week.
2. The basic contention on which this Court kept the impugned order in abeyance of learned counsel for the appellant was that Parvesh Mann @ Sagar Mann was in custody and thus could not appear during the course of Trial which fact was brought to the notice of the learned Trial Court, despite the same the surety bonds were forfeited and the petitioners were directed directed to deposit a sum of ₹50,000/- each.

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3. Now before this Court learned counsel for the petitioner insists that this was never his contention that Parvesh Mann @ Sagar Mann was in custody and thus he could not appear and states that his contention is that before forfeiture of the surety bond a show cause notice was required to be issued which was not issued.

4. This Court thus directed the petitioner to place on record the copy of the entire order sheets of the learned Trial Court which has been placed on record.

5. A perusal of the order sheets reveals that Parvesh Mann @ Sagar Mann was granted bail in case FIR No. 764/2014 under Sections 302/307/120B/34 IPC and Section 25 of the Arms Act vide order dated 16<sup>th</sup> March, 2017. While adjourning the case on 16<sup>th</sup> March, 2017 learned Trial Court also noted the next date fixed for prosecution evidence being 24<sup>th</sup> March, 2017.

6. On 24<sup>th</sup> March, 2017 Parvesh Mann @ Sagar Mann was duly present and the trial was adjourned to 1<sup>st</sup> May, 2017 and 5<sup>th</sup> May, 2017 for recording of the evidence of witnesses. On 1<sup>st</sup> May, 2017 and 5<sup>th</sup> May, 2017 Parvesh Mann @ Sagar Mann appeared and evidence of the prosecution witnesses was recorded and the next date for remaining prosecution evidence was fixed for 19<sup>th</sup> July, 2017 and 20<sup>th</sup> July, 2017.

7. On 19<sup>th</sup> July, 2017 Parvesh Mann @ Sagar Mann filed an application seeking exemption on the ground that he was unwell and thus unable to appear before the Court which was allowed and Parvesh Mann @ Sagar Mann was exempted from appearing on 19<sup>th</sup> July, 2017.

8. On 20<sup>th</sup> July, 2017 again, an application was filed on behalf of Parvesh Mann @ Sagar Mann seeking exemption from appearance which was dismissed and non-bailable warrants were issued against Parvesh Mann @ Sagar Mann. Exemption from appearance was declined for the reason the plea of the State was that the medical certificate filed by the learned counsel for Parvesh Mann @ Sagar Mann was fabricated and that Parvesh Mann @ Sagar Mann in the interregnum had mercilessly beaten an accused Pardeep @ Kitty in which regard FIR No. 249/2017 was registered at PS Shalimar Bagh and Parvesh Mann @ Sagar Mann was not available. Parvesh Mann @ Sagar Mann's application seeking exemption on forged and fabricated documents was thus dismissed. Warrants of arrest against Parvesh Mann @ Sagar Mann was issued and his bail bond and surety bond were forfeited and notices were issued to the sureties under Section 446 Cr.P.C.

9. Learned counsel for the petitioner submits that the appellant had thereafter filed an application, which was not decided.

10. From the order sheets it is evident that notice to the sureties was issued as Parvesh Mann @ Sagar Mann had violated the terms of bail in as much as he had beaten the accused for which FIR was registered and he sought exemption from the Court on the strength of forged and fabricated documents.

11. Considering the fact that due notice was given to the appellants and there is no error in forfeiture of the surety bonds appeal and application are dismissed.

**MUKTA GUPTA, J.**

**FEBRUARY 06, 2019 /'yo'**  
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