

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270-2

CRM-M-9612-2020
Decided on : 21.07.2022

Bhupinder Singh Sawhney

. . . Petitioner

Versus

M/s Bibby Finance Services (India) Pvt. Ltd.

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. P. S. Ahluwalia, Advocate
for the petitioner.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 03.02.2020 (Annexure P-3) passed by the appellate Court in Criminal Appeal No. 385 of 2017 rejecting the application filed by the petitioner for exemption from personal appearance and forfeiting the bail/surety bonds arising out of Criminal complaint no. 239 dated 16.12.2010.

On 04.03.2020, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner states that the petitioner along with co-convict Gurmeet Singh Sawhney have preferred an appeal against the judgment of conviction and order of sentence, for having committed an offence under Section 138 of Negotiable Instruments Act.

Petitioner had absented himself from the proceedings on 3rd February, 2020. Consequently, his bail was cancelled and bail bonds were forfeited to the State and he has been ordered to be summoned through non-bailable warrants. The case is stated to be fixed for 30th March, 2020.

The reason assigned for non-appearance is to the effect that the father-in-law of the petitioner had expired and he was busy in performing the rituals. An application for exemption was also moved but the same was declined by the learned Appellate Court.

Notice of motion for 16.04.2020.

Meanwhile, petitioner is directed to surrender before the learned Appellate Court, which is seized of the matter, within a period of seven days and on doing so, he shall be admitted on interim bail, subject to his furnishing bail bonds, to its satisfaction.”

This Court has raised a pointed query to the learned counsel for the petitioner as to whether the abovesaid order has been complied with or not and as to what is the status of the said appeal.

In response to the said query, learned counsel for the petitioner has produced on record the zimni order dated 16.03.2022 as per which, it is apparent that the petitioner had not appeared and the appeal has been dismissed. The said order dated 16.03.2022 is taken on record as Mark-A.

Learned counsel for the petitioner has submitted that in view of the above, the present petition has been rendered infructuous and be disposed of as such.

In view of the same, present petition is disposed of as having been rendered infructuous.

(VIKAS BAHL)
JUDGE

21.07.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No