

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

**CRM-M No.2765 of 2023
Date of Decision: 18.01.2023**

Vipan Kumar Mittal and another

..... Petitioners

Versus

Bank of Baroda

..... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Vishal Sharma, Advocate
for the petitioners.

GURBIR SINGH J. (ORAL)

The prayer in the present petition filed under Section 482 Cr.P.C read with Section 438 Cr.P.C. for setting aside the impugned order dated 23.11.2022 (Annexure P-2) passed by the learned Judicial Magistrate, 1st Class, Ludhiana vide which bail bonds of the petitioners have been forfeited and non-bailable warrants of the petitioners have been issued.

Learned counsel for the petitioners states that wrong date was noted, therefore the petitioners could not appear in the Court. Vide order dated 23.11.2022, bail bonds furnished by the petitioners were forfeited and non bailable warrants were issued against the petitioners. Thereafter, the petitioners filed an application under Section 438 Cr.P.C, and the same was dismissed vide order dated 22.12.2022 (Annexure P-3).

Heard.

The relevant portion of order dated 23.11.2022 reads as under:

“Today, neither accused Sarish and Vipan Kumar

nor anyone on their behalf appear before this Court. Case is called several times since morning but none has appeared on behalf of accused Sarish and Vipin Kumar. However, counsel for the complainant submitted that accused Sarish and Vipin Kumar is intentionally not appearing the Court just to delay the trial. Keeping in view of facts and circumstances of the case and submission made by the counsel for the complainant, this Court is satisfied that accused Sarish and Vipin Kumar is not intentionally turning up in the Court in order to delay the trial. Therefore, this Court is of the view that in order to procure the presence of accused Sarish and Vipin Kumar in coercive method is required to be adopted. Bail bonds furnished by the accused Sarish and Vipin Kumar are hereby forfeited.”

In view of the above, the present petition stands disposed of.

The petitioners are directed to surrender before the learned trial Court within a week and move an application in this regard. If such an application is filed, then, they shall be admitted to bail subject to their furnishing fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Petition stands disposed of.

18.01.2023

rittu

**(GURBIR SINGH)
JUDGE**

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