

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

CRM-M-35578-2023

Date of Decision: 25.07.2023

Vikram

...Petitioner

Versus

The Rohtak Central Co. Bank Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Lalit Kumar Narang, Advocate,
for the petitioner.

VIKAS SURI, J.

The instant petition preferred under Section 482 Cr.P.C. is for quashing of order dated 30.05.2023 (Annexure P-2), whereby the bail of the petitioner in COMA No.157/2016, instituted on 02.12.2021, titled *RCCB Vs. Vikram*, was cancelled and his bail bonds/surety bonds were forfeited to the State and warrants of arrest have been issued; and for quashing of order dated 14.06.2023 (Annexure P-3), whereby proclamation under Section 82 Cr.P.C. has been ordered to be issued against him for securing his present.

Learned counsel for the petitioner submits that on 30.05.2023, petitioner was present in Court and attending the proceedings. When the petitioner enquired about his case from the Court Master/Reader of Court, he was replied that next date will be given to his counsel and the petitioner is not required for that day. So the petitioner, under the impression that his presence has been marked and the matter stands adjourned and, he is

not required to remain present for post lunch session, had left the Court premises.

Learned counsel for the petitioner submits that the proceedings before the trial Court is pending since 2016 and the petitioner was regularly appearing before the trial Court. He submits that the absence of the petitioner in post lunch session is not intentional, rather due to miscommunication. It has been informed that the case is now fixed for 31.07.2023 to await the presence of the accused. The petitioner is ready to appear before the trial Court and abide by all the terms and conditions imposed by the Court. He submits that the petitioner is keen to join the proceedings.

Heard.

After hearing learned counsel for the petitioner and perusing the record, it is evident that the petitioner was very much present in the morning session before the trial Court on 30.05.2023. Apparently due to some miscommunication between the petitioner and the Court Master/Reader of the Court, petitioner had left the Court premises, otherwise there would be no reason as to why a person would leave the proceedings when he came to attend the same and since morning pad participated in the same.

Further, if the prayer of the petitioner is declined, it will only delay the proceedings before the trial Court. The reason for his absence in post lunch session does not seem to be intentional. Moreover, the purpose of proclamation is to secure presence of the accused. As the petitioner is keen

to join the proceedings, no useful purpose would be served by sending him behind the bars rather it will be appropriate if he is allowed to join the proceedings in the main case. So keeping in view the abovesaid facts and other factors peculiar to this case, the present petition is allowed and the orders dated 30.05.2023 (Annexure P-2) and dated 14.06.2023 (Annexure P-3) are, hereby, set aside.

In case the petitioner appears and surrenders before the Court concerned on or before 31.07.2023 and files an appropriate application for bail, the Court concerned is directed to admit him to bail subject to its satisfaction and proceed with the trial in accordance with law. Till 31.07.2023, petitioner will have protection from arrest in the impugned proceedings.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of above said protection granted by this Court and orders under challenge dated 30.05.2023 (Annexure P-2) and dated 14.06.2023 (Annexure P-3) would come in force.

July 25, 2023
Harish

(VIKAS SURI)
JUDGE

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