

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.27179 of 2024
Date of decision : 27.5.2024

Surender	Versus	Petitioner
HDFC Bank Limited, Sirsa		Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Punchhi, Advocate, for the petitioner

SANDEEP MOUDGIL, J (ORAL)

The petition has been filed under Section 482 Cr.P.C. for quashing the order dated 20.1.2024, Annexure P-6, passed by Additional Sessions Judge, FTSC, Sirsa, in CRA No.106 dated 11.4.2023, titled Surender v. HDFC Bank, in NACT No.700 of 2017 decided on 15.3.2023, vide which exemption application of the petitioner stands declined on the ground that it was not supported by any medical record. Further, bail of the petitioner has been cancelled and his non-bailable warrants were also ordered to be executed through SHO, Police Station Ding, and he is directed to appear in person on the date fixed if the same were not executed, as is evident from the order.

2. Be that as it may, without going further into the issue, this Court *prima facie* finds that declining of the exemption application appears to be unjustified where on account of suffering from seasonal fever, cough and throat pain, one opportunity ought to have been given to the petitioner.

3. Even otherwise, dismissal of such application at the first

instance, in case itself wherein the petitioner is stated to have been appearing consistently before the trial Court on all other dates prior to this, has delayed the proceedings in the light of the fact that such order has not been challenged before this Court and now proceedings will move further only thereafter causing inordinate delay which could have been avoided by the trial Court by allowing the exemption application of the petitioner.

4. Since the presence of the petitioner in the trial Court would only facilitate the furtherance of the proceedings and in the light of undertaking given before this Court that he is ready to surrender within a period of two weeks from today and is also ready to deposit the 20% amount on account of compensation as directed by the court of Additional Sessions Judge, the order dated 20.1.2024 is quashed.

5. The petitioner is directed to surrender before the trial Court within a period of two weeks from today, and on that date the aforesaid amount of 20% out of the compensation will also be deposited.

6. In case the aforesaid directions are complied with and any application for bail is moved, the same may be heard and decided by the Court below on that very day itself, in accordance with law.

7. The petition stands disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

24.5.2024
Ashwani

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