



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11338-2025

Date of Decision:28.02.2025

Bankey Bihari Lal Aggarwal

...Petitioner

vs.

C.B.I and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Lekh Raj Sharma, Advocate
for the petitioner.

Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep Singh Wasu for
CBI-respondent No.1.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned order dated 14.02.2025 (Annexure P-4) passed by the Special Judge (CBI) Haryana at Panchkula, whereby the bail of the petitioner was cancelled and the bail bonds and surety bonds were ordered to be forfeited to the State and the petitioner was ordered to be summoned through non-bailable warrants of arrest.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the present case and was arrested by the C.B.I. Vide order dated 08.11.2021 (Annexure P-2), the petitioner was granted the concession of regular bail. After the grant of regular bail, the petitioner was regularly appearing before the Trial Court. He further contends that the case was listed before the Trial Court on 14.02.2025 and he moved an application for exemption from personal appearance on the ground that the petitioner could not

manage the return from Prayagraj and the act of non-appearance before the Trial Court was on account of certain unforeseen circumstances.

3. On the other hand learned counsel appearing on behalf of respondent No.1 has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the accused in the present case are making all efforts to delay the proceedings before the Trial Court. Learned counsel for respondent No.1 has referred to various zimni orders passed by the Court and submitted that for the last four years, various accused have made applications for exemption from personal appearance on frivolous grounds. He further submits that all the accused have colluded with each other and on every date, application for exemption from personal appearance is moved by one or the other accused just to ensure that the trial does not progress at all before the Trial Court.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. I find sufficient force in the submissions made by learned counsel appearing on behalf of respondent No.1.

6. From a perusal of the record, it is apparent that a concerted and co-ordinated effort is being made by the accused in the present case to delay the trial by moving applications for granting exemption from personal appearance on frivolous grounds for the last four years and the trial has not been able to progress at all. It is a matter of serious concern that such accused have been permitted to file such applications, which have been filed with the sole objective of delay the trial only. It is expected that the Trial Court will not entertain any such application seeking exemption from personal appearance, except in cases

of extreme emergency and the Trial Court shall proceed with the matter expeditiously, as the proceedings have already been delayed sufficiently.

7. Now advertent to the facts of the present case, it appears that the present petitioner, who is aged about 69 years had gone to Prayagraj to take a holy dip in *Mahakumbh* and due to heavy rush and traffic jams on highways, he could not return on time and could not attend the court proceedings. However, this Court is also conscious of the fact that in the past also, the petitioner has been moving applications, seeking exemption from personal appearance. Thus, taking a lenient view of the matter, the petitioner is permitted to surrender before the Trial Court/Duty Magistrate within a period of two weeks from today and on his surrender, he shall be admitted to bail subject to furnishing bail bonds and surety to the satisfaction of the concerned Court. However, the petitioner shall also deposit a sum of Rs.50,000/- as cost, which shall be deposited with ***Punjab and Haryana High Court Bar Clerks Association*** within a period of one week from today, failing which the present petition shall be deemed to be dismissed.

8. At the time of furnishing of bail bonds, the petitioner shall also file an affidavit before the concerned Court that he shall continue to appear before the Court on each and every date of hearing and shall not absent himself during the court proceedings, except with prior permission of the Court.

9. The petition stands allowed in the above terms.

(N.S.SHEKHAWAT)
JUDGE

28.02.2025
hitesh

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