

CC No. 358/2019
CBI Vs. Shambhu Prasad Singh & Ors.

29.11.2019

Present : Sh. B. K. Singh, Ld. Substitute Senior PP for CBI.
Sh. Syed Arham Masud, Ld. Counsel for A-1 and A-4.
Sh. Ravi Ranjan, Ld. Counsel for A-2 and A-5.
Sh. Ravinder Tyagi, Ld. Counsel for A-6.
Sh. Sunil Saha, Ld. Counsel for A-7.
Sh. Gaurav Pathak, Ld. Counsel for A-8.

Accused Shyam Sunder Bhattar (A-2), Rudra Narayan Shukla (A-6), Vinod Gupta (A-7) and Manish Rai Mathur (A-8) are present on bail.

M/s. Rockside Impex Pvt. Ltd (A-5) represented through Shyam Sunder Bhattar (A-2).

An application has been moved on behalf of Shambhu Prasad Singh (A-1) seeking exemption from personal appearance for 29.11.2019 and 30.11.2019. Accused no. 1 has also been representing M/s. Dynamic Shells India Pvt. Ltd. (A-4).

It is stated in the application that accused has been implicated in other cases due to political rivalry with General V. K. Singh and Ghaziabad police has registered eight different FIRs against the accused / applicant. The applicant is

on anticipatory bail in the said FIRs registered at PS Kavi Nagar, Ghaziabad.

Accused, however, recently got to know that fresh FIRs have been registered against him at the same police station. Even applicant/accused has forwarded letters to higher authorities about the harassment meted out to him. The accused is not able to appear before this court and therefore be granted exemption.

I have considered the application as well as the relevant record.

The present matter is pending since long at the stage of charge. On 10.07.2019 due to non-appearance of accused Shambhu Prasad Singh and his counsel, non-bailable warrants and notice to surety u/s 446 CrPC were issued and matter was listed for 01.08.2019.

On 01.08.2019, again accused and his surety did not appear and matter was adjourned for 09.09.2019. Again on 09.09.2019, application for personal exemption of the accused Shambhu Prasad Singh was moved and was granted for the said date and matter was adjourned for 25.09.2019.

Even on 25.09.2019, accused Shambhu Prasad Singh remained absent and again non-bailable warrants were issued against him and notice to his surety u/s 446 CrPC.

The warrants could not be executed as house address was found locked. On 18.10.2019, the application was moved for cancellation of NBWs which was allowed with warning to the accused to be careful in future. Fresh surety bond was submitted and same was accepted till today only i.e. 29.11.2019.

Today, again accused is absent and seeks exemption on the ground that the other cases have been registered against him at Ghaziabad. I find no justification in the absence of the accused. For other criminal cases registered against the accused, the law will take its own course. So far as present proceedings are concerned, accused cannot be allowed to delay the same.

Even otherwise, the personal bond and bail bond was accepted till today and the same cannot be legally extended in the absence of accused. It is clear that accused is misusing the liberty of bail granted to him.

In these circumstances, the application moved for exemption is dismissed being devoid of any merit or substance.

Fresh non-bailable warrants be issued against the accused Shambhu Prasad Singh and notice to his surety u/s 446 CrPC for 18.12.2019.

The date for tomorrow is cancelled.

ANJU BAJAJ CHANDNA
Special Judge-CBI (PC Act)-02
Rouse Avenue Court/New Delhi
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At the stage, Sr. Counsel Ms. Geeta Luthra, has appeared on behalf of accused Shambhu Prasad Singh and has moved application for cancellation of NBWs. At her request, application is fixed for 30.11.2019.

ANJU BAJAJ CHANDNA
Special Judge-CBI (PC Act)-02
Rouse Avenue Court/New Delhi
29.11.2019