

103 CRM No.M-29632 of 2016

**JAI PAL PAMMA
VS
STATE OF PUNJAB AND ANR**

Present: Mr. Prashant Vashisth, Advocate,
for the petitioner.

The instant petition has been moved under Section 438 Cr.P.C. seeking grant of pre-arrest bail to the petitioner in case Complaint No.157/2/13 dated December 03, 2013, registered under Section 138 of Negotiable Instruments Act, 1881 in the Court of SDJM, Phillaur.

After the conviction of petitioner under Section 138 of Negotiable Instruments Act, 1881, he preferred an appeal bearing No.CRA No.643 of 2014 which is pending disposal before learned Additional Sessions Judge, Jalandhar. During the pendency of appeal, petitioner could not appear as a result whereof his bail order was cancelled; bail bonds were forfeited to the State and he has been summoned through non-bailable warrants.

The contention of the learned counsel for the petitioner is that the petitioner could not appear on August 09, 2016, when the appeal was listed before the learned Additional Sessions Judge, Jalandhar, as he was suffering from illness and also could not inform about his absence. Since, there is a single default in appearance during the pendency of an appeal as submitted by learned counsel for the petitioner, this Court is of the considered view that it would not be desirable to send him behind the bars. He also undertakes to join the proceedings as well as to cooperate before the Appellate Court in the disposal of the appeal.

Taking into consideration the aforesaid aspects of the case, instant petition is allowed. The petitioner is directed to appear before the Appellate Court within a period of 7 days from the date of receipt of certified copy of this order whereupon, he shall be released on bail to the satisfaction of the Appellate Court. However, if the respondent-complainant feels aggrieved of the said order as it has been passed in his absence, he shall be at liberty to approach this Court.

August 26, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE