

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No. M-27953 of 2017 (O&M)
DECIDED ON : 03.08.2017**

YADWINDER SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND ANR

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. S. C. Arora, Advocate,
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 10.07.2017 whereby the appellate Court had cancelled his bail bonds and forfeited his surety.

Learned counsel for the petitioner contends that petitioner was an accused in a criminal complaint under Section 138 of Negotiable Instruments Act and he had been convicted by the trial Court and sentenced to undergo rigorous imprisonment for a period of one year. He preferred an appeal against the said judgment and his sentence was suspended by the appellate Court. He further states that petitioner had been appearing before the appellate Court on each and every occasion except

10.07.2017 whereon due to his non-appearance, his bail bonds were cancelled. He further states that the order suspending his sentence was not passed on the condition that the petitioner will pay any amount to the petitioner.

Learned counsel contends that the petitioner could not appear on that date as he was making arrangements to dispose of his property to pay the debts and compromise the matter with the complainant. He undertakes that the petitioner will appear before the appellate Court on each and every date of hearing henceforth.

Issue notice to the respondent.

At the asking of Court, Ms. Seena Mand, Deputy Advocate General, Punjab, accepts notice on behalf of respondent.

Heard.

Taking into consideration that the petitioner had been appearing on every date before the appellate Court and he could not appear only on one occasion, it would be in the interest of justice if he is granted opportunity to appear before the appellate Court after protection from arrest.

Consequently, the instant petition is allowed. The impugned order dated 10.07.2017 is set-aside. The petitioner shall appear before the appellate Court and furnish his bail bonds subject to the satisfaction of appellate Court. However, it is made clear that this order is subject to the condition that the petitioner

will continue to appear before the appellate Court on each and every date of hearing.

(ANUPINDER SINGH GREWAL)
JUDGE

AUGUST 03, 2017
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1. Whether speaking/reasoned : YES/NO
2. Whether reportable : YES/NO