

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

101

**CRM-M-34622-2017
DATE OF DECISION:29.09.2017**

KULWINDER SINGH

... Petitioner(s)

Versus

**THE MALOUT PRIMARY CO-OPERATIVE AGRICULTURAL
DEVELOPMENT BANK LTD. & ANR**

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail to enable him to surrender before the Appellate Court. He was convicted under Section 138 of the Negotiable Instruments Act and during the pendency of his appeal thereagainst, his sentence was suspended.

Learned counsel for the petitioner contends that the petitioner had been appearing before the Appellate Court on every occasion except 08.07.2017, as he was unwell and he had informed his counsel to move an application for his exemption from appearance but the application could not be filed in Court and therefore, his bail was cancelled.

In view of the limited prayer of the petitioner, I do not propose to issue notice to respondent No.1.

Issue notice to respondent No.2.

At the asking of the Court, Mr. Jagmohan Ghumman, DAG, Punjab accepts notice on behalf of respondent No.2.

The non-appearance of the petitioner on just one occasion appears to be bona fide as he had earlier been appearing before the Court. He, therefore, deserves to be protected from arrest in the event of his appearance before the Appellate Court.

Consequently, the petition is allowed. The petitioner shall surrender before the Appellate Court within 10 days from now and in the event of his doing so, he shall be granted bail by the Appellate Court to its satisfaction.

29.09.2017
SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

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