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

CRM-M-35586 of 2017

Date of decision: September 25, 2017

Khubi Ram

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Raman Chawla, Advocate the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion to respondent No.1-State only.

At the asking of the Court, Mrs. Tanisha Peshawaria, DAG
Haryana accepts notice on behalf of the State.

It is not necessary to issue notice to respondent No.2.

Rule. Heard forthwith.

Petitioner seeks anticipatory bail in pending appeal No.105
dated 18.02.2015 for offence under Section 138 of the Negotiable
Instruments Act, 1881, before the Court of Additional Sessions Judge,
Faridabad, arising out of complaint No.1400 of 2013 before the JMIC,
Faridabad.

Learned counsel for the petitioner submits that the
petitioner and his wife both have filed appeal against their conviction
and in pending appeal, though, wife appeared before the trial Court on
21.08.2017, the request was made for personal exemption for the
petitioner due to ailment. He submits that the medical certificate from

Bhagwani Nursing Home was also filed, which shows that the petitioner was suffering from viral fever.

The Sessions Court, however, found that the reason was not correct and was contradictory.

Without going into the aforesaid aspect of the matter about the ailment and without finding any fault with the appellate Court's order, I think the petitioner should be given a chance to appear before the appellate Court since the learned counsel for the petitioner makes a statement, on instructions that the petitioner would appear before the trial Court hereinafter with promptitude during the pendency of the appeal.

In that view of the matter, I think the following order would subserve the interest of justice.

ORDER

- (i) Petitioner shall be released on bail to the satisfaction of the appellate Court;
- (ii) Petition stands disposed of.

(A.B. CHAUDHARI)
JUDGE

September 25, 2017
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No