

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

CRM-M-53855 of 2019

Date of decision: 17.12.2019

Surinderjit Kaur

....Petitioner

Versus

Manohar Singh and Anr.

....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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

HARINDER SINGH SIDHU, J.

Prayer is for grant of anticipatory bail in appeal case bearing No.CRA 944/2017 dated 08.12.2017 titled Surinderjit Kaur vs. Manohar Singh.

Vide judgment and order of sentence dated 30.10.2017 passed by learned JMIC, Jalandhar, the petitioner has been convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year besides paying compensation under Section 357 Cr.P.C to the tune of the cheque amount i.e Rs.2,50,000/- at the rate of 9% p.a from the date of cheque till date. The petitioner preferred appeal against the judgment, which is stated to be pending before the learned Addl. Sessions Judge, Jalandhar. The sentence of the petitioner has been suspended during the pendency of the appeal by the learned Appellate Court and thereafter she has been regularly appearing before the Appellate Court. However, on account of failure of the petitioner to appear before the Court on 03.09.2019, her bail bonds were cancelled and her presence has been directed to be secured through non-bailable warrants.

It is stated that an application for exemption from personal appearance was filed by the petitioner but the same was dismissed.

Learned counsel for the petitioner submits that there were negotiations in respect of settling the dispute and because of that, the petitioner could not appear on the date fixed before the Appellate Court and now she is ready to appear there. He further submits that absence of the petitioner from the Appellate Court was not intentional. The petitioner is ready to surrender before the Appellate Court and to furnish the fresh bail and surety bonds to its satisfaction.

I have heard the learned counsel for the petitioner and am of the view that the petitioner is not required for any investigation purposes, rather she is only to appear before the Appellate Court. The issuance of notice in this case to the respondents would delay the disposal of the appeal and, therefore, the notice is not being issued.

Keeping in view the above facts, but without commenting anything upon the merits of the case, the present petition is allowed. The petitioner is directed to surrender before the Appellate Court on or before 18.1.2020. On her doing so, the Appellate Court shall release her on bail, subject to her furnishing bail/surety bonds to its satisfaction, and further subject to making the payment of costs of Rs.10,000/- by the petitioner to respondent No.1-complainant. If the petitioner fails to comply with the aforesaid directions, the instant petition shall stand dismissed, automatically.

December 17, 2019
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No