

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

**CRM-M-7702-2021(O&M)  
Date of Decision: 18.02.2021**

**(Heard through VC)**

Sat Pal

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Munish Puri, Advocate  
for the petitioner.

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**JAISHREE THAKUR, J. (Oral)**

The instant petition has been filed under Section 438 read with Section 482 Cr.P.C., for grant of an opportunity to appear before the first Appellate Court wherein petitioner's non-available warrants were issued due to non-appearance of petitioner on 07.01.2020 in CRA-160-2019 titled as Sat Pal Vs. M/s K.B. Feed Mill through its sole Proprietor Prem Singh arising out of Complaint bearing No.NI Act/541/2017 dated 18.08.2017.

Learned counsel for the petitioner would contend that upon his conviction under Section 138 of the Negotiable Instruments Act, he filed appeal and his sentence had been suspended on the condition of his furnishing bail and surety bonds before the trial Court, which he could not furnish due to financial conditions and had sought extension of time to furnish the requisite bail bonds. However, on one date, he could not contact his

lawyer and was not aware of exact date for appearance before the Appellate Court and on 07.01.2020 non-bailable warrants were issued for procuring his presence. Thereafter, petitioner applied twice for grant of anticipatory bail. He had been granted the relief but he could not comply with the directions and second one was dismissed as withdrawn as the first Appellate Court was not inclined to give relief. Learned counsel contends that he was in all likelihood to be admitted to bail, learned counsel further contends that his custody would serve no purpose and that he is ready and willing to join the proceedings in his appeal.

Notice of motion.

Ms. Rashmi Attri, A.A.G., Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent-State and opposes the grant of anticipatory bail by relying upon a judgment rendered by the Supreme Court in '***State of M.P. v. Pradeep Sharma' (2014) 2 SCC 171***, and argues that the petitioner herein has been declared as proclaimed offender by the Court below , therefore cannot be granted relief of anticipatory bail.

I have heard learned counsel for the parties and have also given careful consideration to the arguments.

Undisputedly, the petitioner failed to put in appearance before the Appellate Court after getting his sentence suspended and even has not furnished bail/surety bonds pursuant to the said order. However, keeping in view the judgment rendered by the Apex Court in '***State of M.P. v. Pradeep Sharma' (2014) 2 SCC 171***, it is directed that the petitioner would put in appearance before the Appellate Court within a period of 10 days from today and move an application for bail and for

having the order declaring him proclaimed offender set aside which will be considered on the same date itself. In the meanwhile, limited to allowing the petitioner to move an appropriate application, his arrest is stayed.

With the above said observations, the present petition stands disposed of.

In case the petitioner fails to comply the aforesaid directions, the interim relief granted shall cease to exist.

18.02.2021  
*ps-I*

(JAISHREE THAKUR)  
JUDGE

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