

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Crl. Misc.No.M 41446 of 2012(O&M)

Date of Decision:-31.12.2012

Anil Juneja s/o Ram Lal Juneja.

.....Petitioner.

Versus

State of Haryana & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Harmandeep Singh, Saini, Advocate for Petitioner.

JASWANT SINGH, J(ORAL).

Prayer in the present petition is under Section 438 Cr.PC for grant of anticipatory bail on behalf of the petitioner in case bearing Crl. Appeal No.13/12 pending in the court of Additional Sessions Judge, Panipat. Since he is apprehending arrest in the light of the order dated 14.12.2012 passed by the learned Additional Sessions Judge, Panipat whereby in the pending appeal bearing no.13 of 2012 against his conviction and sentence order dated 13.12.2011/14.12.2011 under Section 138 of the Negotiable Instruments Act, 1881 his interim bail has been cancelled due to his non appearance while dismissing the application for exemption from personal appearance.

It is contended that the petitioner(appellant before the lower Appellate Court) was suffering from lower back ache since October 2012

and had been advised complete bed rest. To substantiate the same, he has placed reliance on OPD slips of Safdarjung Hospital, New Delhi placed as Annexure P-1 to P-3. He submits that in these circumstances, counsel had made application seeking for personal exemption.

For the order which I intend to pass issuance of notice to the other party is not required since no prejudice would be caused to them besides causing unnecessary delay and expenses.

After hearing learned Counsel for the petitioner and perusing the documents Annexure P-1 to P-3, it appears that prayer of the petitioner for seeking exemption from personal appearance before the learned lower Appellate Court was bona fide and thus not warranting the harsh approach of the learned lower Appellate Court in cancelling his bail bonds.

Accordingly, this petition is allowed and it is directed that in case the petitioner submits himself before the learned lower Appellate Court on or before the next date of hearing, he shall be released on bail subject to his furnishing fresh bail bonds to the satisfaction of the learned lower Appellate Court.

(JASWANT SINGH)
JUDGE

December 31, 2012
Vinay