

**In the Court of Harpreet Kaur Randhawa,
Sessions Judge, Amritsar**

CNR No. PBAS010145122022



Case No. BA/5330/2022

Presented on : 23-09-2022

Registered on : 26-09-2022

Decided on : 12-10-2022

Nishan Jewellers, Doing Shop at Gali No.2-3, Sarwanpura, Sultanwind road, Amritsar.

.....Respondent/complainant.

VERSUS

Sulakhan Singh alias Pappu s/o Gurnam Singh, r/o H.No.377, Gali No.4, Gurnam Nagar, near Toot Sahib Gurudwara, Sultanwind road, Amritsar.

.....Applicant/accused.

(COMPLAINT under section 138 NI Act.)

1st Anticipatory bail under section 438 Cr.P.C.

Present: *Shri M.S.Sidhu, Advocate, counsel for the applicant/accused.*
Shri Kanwar Rajinder Singh, Advocate, counsel for the respondent/complainant.

O R D E R

1. This application for pre-arrest bail has been filed by

applicant, Sulakhan Singh alias Pappu son of Gurnam Singh, accused in complaint titled “Nishan Jewellers Versus Sulakhan Singh” under section 138 of Negotiable Instruments Act, who, had been facing trial in the Court of Ms Tushar Kaur Thind, Judicial Magistrate Ist Class, Amritsar, but he absented therefrom on 25.05.2022 with the result his bail order was cancelled and bail bonds and surety bonds were forfeited to the State and he was ordered to be summoned through non-bailable warrants of arrest which could not be executed and now proclamation under section 82 Cr.P.C. has been issued against him for 17.10.2022. Apprehending his arrest, the applicant has moved the present application stating that his non-appearance in the court was not intentional or willful.

2. Upon notice, respondent/complainant appeared through counsel and contested the bail application.

3. The counsel for the applicant has argued that the absence of the applicant from the court was not intentional or willful. Rather, the applicant requested his counsel to move an application on his behalf for exemption from personal appearance as he was not keeping good health but the counsel did not move the application for exemption. He

prayed that applicant be granted concession of anticipatory bail.

4. On the other hand, counsel for the respondent/complainant argued that applicant intentionally absented from the court proceedings just to prolong the litigation. Therefore, his bail application be dismissed.

5. After hearing rival contentions, I am of the view that the explanation furnished by the applicant is least convincing. A perusal of the trial court record shows that applicant is in the habit of not attending the proceedings of the court regularly. Time and again he has been moving applications for exemption from personal appearance on one ground or the other and all the times exemption from personal appearance was granted to the applicant. The version of the applicant that he was not keeping good health on 25.05.2022 is not supported by any document as applicant has not placed on record any document to show that he was ill on that date. The applicant jumped bail on 25.05.2022 and now proclamation under section 82 Cr.P.C. has been issued against him for 17.10.2022. In the given circumstances, when the applicant has already misused the concession of bail granted to him, no ground is made out now to grant anticipatory bail to the

applicant. Accordingly, the present application stands dismissed. Trial court record be returned alongwith copy of this order. This file be consigned to the record room.

*Pronounced:
12th October, 2022.*

*(Harpreet Kaur Randhawa)
Sessions Judge, Amritsar
(UID:PB0038)*

*Pardeep Kumar
Stenographer Grade-I*

CNR NO.PBAS010145122022

BA NO 5330 OF 2022

NISHAN JEWELLERS VERSUS SULAKHAN SINGH

*Present: Shri M.S.Sidhu, Advocate, counsel for the applicant/
accused.
Shri Kanwar Rajinder Singh, Advocate, counsel for the
respondent/complainant.*

Arguments heard. Vide separate order of even date, the present bail application has been dismissed. Lower court record be returned alongwith copy of order. This file be consigned to record room.

*Pronounced:
12th October, 2022.*

*(Harpreet Kaur Randhawa)
Sessions Judge, Amritsar
(UID:PB0038)*

*Pardeep Kumar
Stenographer Grade-I*