

**THE COURT OF SMT. PRIYA SOOD,
SESSIONS JUDGE, TARN TARAN, UID-PB0065**

CIS No	BA/1572/22.
CNR No.	PBTT01-003152-2022.
Date of Institution	20.06.2022/02.07.2022
Date of Decision	05.07.2022.

Sukhwinder Singh, son of Didar Singh, resident of village Dulchipur, Tehsil Khadoor Sahib, District Tarn Taran.

-----Applicant/accused

Versus

The Tarn Taran Central Co-operative Bank. Ltd.

-----Respondent.

Complaint under Section 138 of Negotiable Instrument Act
P.S. Sadar, Tarn Taran

Application under Section 438 Cr.P.C.

Present: Sh.G.S.Kang, Advocate, counsel for applicant/accused.
Sh. Karanbir Singh, Branch Manager, for the complainant.

ORDER

1. Applicant-accused has sought pre-arrest bail in complaint under Section 138 of Negotiable Instruments Act, titled as " The Tarn Taran Central Co-operative Bank Vs. Sukhwinder Singh.

2. Brief facts, relevant for disposal of present bail application are that applicant-accused was facing trial in the Court of Learned ACJM, Tarn Taran, for offence under Section 138 NI Act. As the trial was fixed for defence evidence, on 25.08.2021, applicant-accused absented himself from the proceedings without any intimation to the Court as result of which initially notice was issued to the accused. Subsequently, when accused is not

turned up despite being served bail order of the of the accused was canceled and arrest warrants of the accused were issued. Subsequently, applicant-accused was declared proclaimed offender after execution of proclamation against him.

3. Learned counsel for applicant-accused has prayed that applicant-accused absented from the proceedings due to his ill health and further due to the fact that on one occasion, when applicant-accused came in the court complex, since applicant-accused was suffering from cough and cold, applicant-accused was not allowed to enter in the Court due to Covid-19 precautions. It is prayed that applicant-accused is now willing to appear before learned Trial Court but apprehends his arrest and be, therefore, extended the concession of anticipatory bail.

4. Sh. Karanbir Singh, Branch Manager, who is present in person, has opposed the bail application.

5. I have carefully heard the learned counsel for the applicant-accused, complainant and have very keenly gone through Trial Court record.

6. The Hon'ble Punjab and Haryana High Court, very recently in the case **Pawan Kumar Vs. State of Haryana, decided on 21.09.2022, CMR-No.39172-2022**, has held that *anticipatory bail cannot be extended to the cases, where an accused was apprehending arrest due to jumping the bail and that where the accused might not have been able to appear before learned Trial court on account of genuine reason, such as incorrect noting of the date or reasons beyond his control, the accused may surrender before the Trial Court and the Trial Court, in turn, would take lenient view in genuine cases and decide the regular bail expeditiously.*

7. In the instant case the applicant-accused has not just jumped the bail, he has been declared proclaimed offender. Indeed, applicant-accused has putforth a genuine reason for his absence from the proceedings, who due to his ill health, could not contact his counsel or surrender before the Trial Court as he kept apprehending his arrest.

8. In this backdrop, keeping in mind the fact that there is bar to the grant of anticipatory bail to an accused, who has jumped the bail or has been declared proclaimed offender, the bail application filed by applicant-accused is dismissed. At the same time, however, it is directed that in the event of applicant-accused surrendering before learned Trial Court within 15 days from today and filing application for regular bail, learned Trial Court shall dispose of the regular bail application within one week of its presentation by the applicant-accused upon his surrender, keeping in mind the past conduct of the applicant-accused and the fact that applicant-accused has taken recourse to legal process on realizing his mistake and has not turned his back to the court. File be consigned to the record room.

Pronounced

05.07.2022

Jaspal Singh
Stenographer-III

Priya Sood
Sessions Judge
Tarn Taran/UID-PB0065