

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR No.1359 of 2016 (O&M)

Date of decision: 12.05.2016

Gayiander Singh

.....Petitioner

versus

Ishwar Singh and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.G.S.Sandhu, Advocate for the petitioner
Mr.Ritesh Datta, Advocate for
Mr.Pankaj Bali, Advocate for the respondent No.1
Mr.Pawan Gaur, DAG Haryana

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner has been convicted under Section 138 of Negotiable Instruments Act, 1881 vide judgment of conviction dated 18.11.2015 and order of sentence dated 19.11.2015 passed by learned Judicial Magistrate 1st Class, Karnal. In an appeal, bail was granted to the petitioner on the condition of deposit of half of amount of the cheque of Rs.14,60,000/- on or before 23.12.2015 vide order dated 11.3.2016, passed by learned Additional Sessions Judge, Karnal. The petitioner failed to deposit that amount and also became absent. Thereafter, he surrendered in the Court and his bail application has been dismissed.

I have heard learned counsel for the parties and have

carefully gone through the file.

It comes out that appeal against the judgment is pending. First appellate Court is yet to decide whether the judgment of the lower Court is to be upheld or not. Therefore, in my view the imposition of condition of payment of half of the amount of cheque is quite harsh. Until and unless, the liability is fixed and the order of conviction is affirmed , such condition could not be imposed.

It being so, the revision is allowed. The petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.1,00,000/-with one surety of the like amount to the satisfaction of first appellate Court on a condition that he will not leave the country without the prior permission of the Court and will appear in Court on each and every date.

12.05.2016
gk

(Kuldip Singh)
Judge