

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

CRM-M-20336 of 2017.

Decided on:-23.08.2017.

Paramveer.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ravinder Phogat, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

HARI PAL VERMA, J.

Petitioner has filed the present petition under Section 482 Cr.P.C. for quashing of the impugned order dated 10.04.2017 (Annexure P-4) passed by learned Additional Sessions Judge, Rewari, whereby his application seeking direction to the trial Court to accept the compensation amount as well as probation bonds, was dismissed.

On July 17, 2017, while issuing notice of motion, this Court had passed the following order:

“Learned counsel for the petitioner contends that vide judgment dated 17.09.2016 passed by learned Additional Sessions Judge, Rewari, the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 21.05.2015 passed by learned Chief Judicial Magistrate, Rewari,

the petitioner was released on probation. The petitioner was required to pay Rs.10,000/- to the complainant as compensation, within a month, for the shock and traumas suffered by the complainant and humiliation to his wife. However, the petitioner failed to comply the order dated 17.09.2016 passed by learned Additional Sessions Judge, Rewari. Accordingly, the petitioner filed an application before the learned Additional Sessions Judge, Rewari to accept compensation amount and the probation bonds. The said application was declined on the ground that there are no plausible grounds for enlarging the time for making compliance of the order passed by the learned Additional Sessions Judge, Rewari. Pursuant to the order dated 17.09.2016, the compliance was required to be made on or before 16.10.2016 and the application for submission of probation bonds to deposit compensation was filed on 28.03.2017 i.e. after a delay of more than five months.

Learned counsel for the petitioner states that the petitioner could not furnish probation bonds and could not deposit the compensation amount for the reason that his real brother-in-law, namely, Gian has expired on 16.10.2016. But now the petitioner is ready to pay or deposit the awarded compensation and to furnish the probation bonds.

Notice of motion for 23.08.2017.”

Learned counsel for the petitioner has argued that though the petitioner was required to deposit the compensation amount and to submit the probation bonds upto 16.10.2016, but when the petitioner was ready to go to the Court for compliance of the order dated 17.09.2016 passed by learned Additional Sessions Judge, Rewari, he received an unfortunate news of the death of his real brother-in-law on 16.10.2016 itself. As such, he could not

furnish the probation bonds and could not deposit the compensation amount. As a consequence thereof, his arrest warrants were issued.

Learned counsel for the petitioner has placed reliance upon ***Randhir Versus Munish Ram 2001 Cri. L.R. 92 (Rajasthan)***, whereby for non-furnishing of probation bonds and for non-deposit of compensation amount, the Court had extended time enabling the petitioner to deposit the compensation and to furnish the bond. Reliance has also been placed upon ***Chaman Parkash and others Versus State of Haryana 2015(3) RCR (Criminal) 293***.

The above fact has not seriously been contested by learned State counsel.

Be that as it may, and having recourse to the aforesaid judgments referred by learned counsel for the petitioner coupled with the fact that the brother-in-law of the petitioner had expired on 16.10.2016, this Court finds that there was a reasonable excuse with the petitioner in not depositing the compensation amount and furnishing the probation bonds. However, taking into consideration the fact that the petitioner has now shown his inclination to comply with the order dated 17.09.2016 passed by learned Additional Sessions Judge, Rewari within a period of 15 days, this Court accepts his prayer being justified.

Accordingly, the impugned order dated 10.04.2017 passed by learned Additional Sessions Judge, Rewari is set aside and the petitioner is directed to furnish probation bonds and to deposit the compensation amount in terms of order dated 17.09.2016 passed by learned Additional Sessions

Judge, Rewari within a period of 15 days from the date of receipt of certified copy of this order.

The present petition is disposed of in these terms.

However, it is made clear that in case the petitioner fails to do the needful within the aforesaid period of 15 days, the present petition shall be deemed to have been dismissed in its totality.

August 23, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No