

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

**CRM-M No.18297 of 2019 (O&M)
Date of Decision: 04.12.2019**

Bhim Singh

.....Petitioner

Versus

The Yamuna Nagar District Primary Co-operative Agricultural
& Rural & Development Bank Ltd. and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.C.Shahpuri, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for quashing of impugned order dated 26.02.2019 (P-3), passed by learned Sessions Judge, Yamuna Nagar at Jagadhri in Criminal Appeal No.111 of 2019, titled as 'Bhim Singh Vs. State of Haryana and another', whereby the petitioner has been directed to deposit 20% of the amount of compensation awarded by learned trial Court while suspending his sentence during the pendency of appeal in view of the provisions of Section 148 of the Negotiable Instruments (Amendment) Act, 2018 (*for short 'the Act'*).

The sole argument raised by learned Counsel for the petitioner is that since the complaint was filed prior to the amendment, thus, the provisions of Section 148 of the Act cannot be applicable to the same.

Heard learned Counsel for the petitioner and perused the paper-book.

Since the controversy is no longer *res integra* and concededly, Section 148 of the Amendment Act came into force w.e.f. 01.09.2018 and thus, in view of the law laid down by the Hon'ble Supreme Court in '**Surinder Singh**

Deswal @ Col. S.S. Deswal and others Versus Virender Gandhi', JT 2019 (6)

SC 240, petitioner is under obligation to deposit the amount in question and reference in this regard can be made to para 8 of the same, which reads as under:-

“ It is the case on behalf of the appellants that as the criminal complaints against the appellants under Section 138 of the N.I. Act were lodged/filed before the amendment Act No. 20/2018 by which Section 148 of the N.I. Act came to be amended and therefore amended Section 148 of the N.I. Act shall not be made applicable. However, it is required to be noted that at the time when the appeals against the conviction of the appellants for the offence under Section 138 of the N.I. Act were preferred, Amendment Act No. 20/2018 amending Section 148 of the N.I. Act came into force w.e.f. 1.9.2018. Even, at the time when the appellants submitted application/s under Section 389 of the Cr.P.C. to suspend the sentence pending appeals challenging the conviction and sentence, amended Section 148 of the N.I. Act came into force and was brought on statute w.e.f. 1.9.2018. Therefore, considering the object and purpose of amendment in Section 148 of the N.I. Act and while suspending the sentence in exercise of powers under Section 389 of the Cr.P.C., when the first appellate court directed the appellants to deposit 25% of the amount of fine/compensation as imposed by the learned trial Court, the same can be said to be absolutely in consonance with the Statement of Objects and Reasons of amendment in Section 148 of the N.I. Act.”

In view of the aforesaid facts and circumstances, this Court is not inclined to entertain the present petition being devoid of any merits and the same is accordingly dismissed.

December 04, 2019

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No