

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

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CRM-M-22780 of 2019 (O&M)

Date of Decision: 17.05.2019

M/s Sun Dweep Engineers and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kamal Chaudhary, Advocate
for the petitioners.

ANIL KSHETARPAL, J (ORAL)

Challenge is to the order passed by the learned First Appellate Court, while hearing the appeal against conviction under Section 138 of the Negotiable Instruments Act, 1881 (for short the 'Act of 1881').

The learned First Appellate Court has directed the convict/appellant to deposit 25% of the cheque amount, in terms of Section 148 of the Act of 1881, as amended.

The aforesaid provision has been held applicable to the pending appeals by a Co-ordinate Bench of this Court while disposing of bunch of cases vide a detailed judgment dated 04.04.2019, passed in '**M/s Ginni Garments and another Vs M/s Sethi Garments'** (CRR No.9872 of 2018) **and other connected matters.**

However, learned counsel for the petitioners submits that though the petitioners would deposit 25% of the cheque amount but the same should be released only on furnishing appropriate surety/security. In

the considered view of this Court, for this purpose, it would be better if appropriate application is filed before the learned First Appellate Court where appeal is pending and the Appellate Court would decide the same, in accordance with law.

It has also been brought to the notice of this Court that similar issue is pending for adjudication in **Special Leave to Appeal (Criminal) No.3342/2019**. It is ordered that if ultimately the Hon'ble Supreme Court reverses the view taken by this Court in the case of **M/s Ginni Garments (supra)**, the same shall be applicable to this case as well.

Disposed of.

17.05.2019

D.Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No