

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

CRM-M-41166-2019 (O&M)

Date of decision : 01.11.2019

Rajesh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rao Ajender Singh, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

Petitioner was convicted by the Magistrate in a criminal complaint filed under Section 138 of the Negotiable Instruments Act, sentenced to undergo rigorous imprisonment for a period of one year. In appeal, sentence was suspended. However, direction was given to deposit 20% of the compensation amount on the next date of hearing failing which suspension of sentence shall be recalled. Petitioner or his counsel were not present on 15.02.2019 resulting in cancellation of order of suspension of sentence and forfeiture of bail and surety bonds.

Petitioner is in custody since 02.08.2019 and appeal filed by him is still pending.

This Court after examining statutory provision have interpreted that non-deposit of interim compensation as ordered pursuant to the

amendment in the Negotiable Instruments Act, does not entail automatic revocation of order of suspension of sentence. Reference in this regard can be made to order dated 18.07.2019 passed in CRM-M-29187-2019, titled as Vivek Sahni and another Vs. Kotak Mahindra Bank Ltd.

Keeping in view the facts of the case, petitioner is directed to be released on bail pending appeal on furnishing fresh bail bonds and surety bonds to the satisfaction of the Appellate Court. Appellate Court is directed to decide the appeal within a period of three months.

In view of the above, the present petition is disposed of.

01.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No