

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

224

CRM-M-11703-2020

Date of decision : 23.11.2020.

Sanjay Rajpoot

... Petitioner(s)

Versus

State of Haryana and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Yogeshwar Dayal Kaushik, Advocate for the petitioner(s).

Ms. Aditi Girdhar, AAG, Haryana.

Mr.. Abhinav Bajaj, Advocate for respondent No.2.

Anupinder Singh Grewal, J. (Oral)

Heard through video conferencing.

The petitioner has challenged the order dated 07.02.2020 whereby the Appellate Court had cancelled the suspension of sentence of the petitioner and forfeited his bail bonds.

Learned counsel for the petitioner contends that the petitioner is an accused in a complaint filed by respondent No.2 under Section 138 of the Negotiable Instruments Act. The petitioner had been convicted by the trial Court for a period of six months and had preferred an appeal wherein his sentence was suspended. The petitioner could not appear before the Appellate Court on 07.02.2020 by 12.35 pm when the matter was taken up and his bail bonds were cancelled. The petitioner was held up in a traffic jam and had reached the Court before 04.00 pm on 07.02.2020 but the order had already been passed. He undertakes that the petitioner shall henceforth appear before the Appellate Court on each and every date of hearing and would not absent himself without prior permission of the Court. In compliance of the order dated 05.08.2020, the

petitioner has deposited a demand draft for a sum of ₹1,50,000/- in the name of the complainant before the Appellate Court, which is 20% of the amount of compensation awarded by the trial Court.

Learned counsel for respondent No.2 states that in the event of this Court allowing the petition, the petitioner should not delay the proceedings and the appeal could be argued on 04.12.2020 whereon it is listed for hearing before the Appellate Court.

Heard through video conferencing.

The sentence of the petitioner had been suspended by the Appellate Court. He could not appear before the Appellate Court by 12.35 pm on 07.02.2020 and the matter had been taken up as he was stated to be held up in a traffic jam. The absence of the petitioner on 07.02.2020 appears to be *bona fide* and he undertakes to appear before the Court on each and every date. A demand draft for a sum of ₹1,50,000/- in the name of the complainant has already been deposited before the Appellate Court. It would be in the interest of justice, if the impugned order is set aside so as to enable the petitioner to be present before the Appellate Court when the matter will be finally taken up for hearing and decided.

Consequently, the petition is allowed and the impugned order dated 07.02.2020 (Annexure P-1) is set aside. The petitioner shall submit his bail bonds before the Appellate Court and on his doing so, his sentence shall remain suspended during the pendency of the appeal. The Appellate Court is directed to decide the appeal expeditiously.

(ANUPINDER SINGH GREWAL)
JUDGE

November 23, 2020
sonia gugnani

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