

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-13646-2020 (O&M)
Date of Decision:-5.11.2020

Darshan Singh ... Petitioner

Versus

HDFC Bank and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Singh, Advocate for the petitioner.

Mr. Saurabh Bhardwaj, Advocate for respondent No.1.

Mr. Karan Sharma, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court challenging order dated 7.3.2020 (Annexure P-5) passed by learned Additional Sessions Judge, Kurukshetra vide which the learned lower Appellate Court has revoked the order suspending the sentence of the petitioner, which had earlier been suspended during pendency of the appeal.
2. The petitioner had been convicted for an offence under Section 138 of Negotiable Instruments Act.
3. The petitioner challenged the same by way of filing an appeal and the learned lower Appellate Court, while suspending the sentence, directed the petitioner to deposit 20% of the compensation amount. Since, the said 20% of the

compensation amount was not deposited, the impugned order dated 7.3.2020 (Annexure P-5) came to be passed revoking the order suspending the sentence of the petitioner.

4. The learned counsel for the petitioner has submitted that 20% of the compensation amount works out to ₹12 lakhs and that the petitioner had already deposited an amount of ₹6 lakhs and has now prepared another draft for the balance amount of ₹6 lakhs, which he shall deposit before the lower Appellate Court within a period of one week from today. The learned counsel for the petitioner has submitted that the delay in arranging the amount occurred on account of the financial crunch due to the troubled times on account of spread of pandemic COVID-19.
5. The learned counsel representing respondent No.1-HDFC Bank has submitted that the bank shall have no objection for deposit of balance amount of ₹6 lakhs or for suspending the sentence of the petitioner during pendency of the appeal. He has further informed that infact the bank was considering the proposal of compromise and would consider the same compassionately in view of the present times of spread of pandemic COVID-19.
6. In view of the aforesaid submissions, the present petition is disposed of with a direction to the petitioner to deposit the balance amount of ₹6 lakhs before the lower Appellate Court within a period of one week from today, which shall be adjusted towards compliance of order dated 7.12.2019 (Annexure P-4) passed by learned Additional Sessions Judge, Kurukshetra.
7. Since it is not disputed that with the deposit of aforesaid amount of ₹6 lakhs the entire 20% of compensation amount would stand paid as another amount of ₹6 lakhs already stands paid earlier, the lower Appellate Court shall

release the petitioner on bail during pendency of the appeal subject to his furnishing adequate bail bonds/surety bonds to its satisfaction.

8. The present petition stands disposed of accordingly.

5.11.2020
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No