

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

**CRM-M No.4027 of 2021 (O&M)
Date of Decision.28.01.2021
(Heard through VC)**

Gajender Singh Ravish

...Petitioner

Vs

State of Haryana and another

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed under Section 482 Cr.P.C. for modification of the order dated 22.01.2021 passed in Criminal Appeal No.112 of 2020 titled as Gajender Singh Ravish Vs. Yashpal Arora, while seeking four months time to be granted to the petitioner to pay compensation amount as directed by the Court below.

In brief the facts are that a complaint under Section 138/142 of the Negotiable Instrument Act was filed against the petitioner on the ground that cheque issued towards respondent No.2/complainant by the petitioner in discharge to his liability bounced due to 'insufficient funds'. The petitioner herein was held guilty under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo rigorous imprisonment for a period of one year and to pay compensation to the tune of ₹75 lakhs. Against the said judgment, a criminal appeal was filed before the Sessions Judge, Faridabad and he was admitted to bail till disposal of the appeal,

however, he was directed to deposit an amount of 25% of the compensation amount within a period of 30 days by an order dated 19.02.2020.

Since on account of COVID-19 pandemic, proceedings before the Courts below were adjourned on the directions as issued by the Registrar General of Punjab and Haryana High Court and eventually, the matter was taken up for hearing on 02.11.2020, on which date, the petitioner did not put in an appearance and ultimately, his bail was cancelled vide order dated 01.12.2020.

Against the cancellation of bail, the petitioner approached this Hon'ble Court by way of filing a CRM-M No.41959 of 2020 wherein he challenged the order dated 01.12.2020 by which his bail bonds were forfeited and warrants of arrest were issued as well as notice under Section 446 of the Code of Criminal Procedure was issued to his surety. The matter was disposed of on the same date on the statement given by the counsel for the petitioner that he was ready and willing to comply with the order dated 19.02.2020 along with any modification made to the said order. It had been argued before the High Court that the petitioner was unable to put in an appearance before the Court on account of the fact that he was totally unaware that proceedings had initiated in the trial Court during the COVID-19 pandemic.

This Court by an order dated 14.12.2020 had stayed arrest of the petitioner till 21.01.2021 and directed him to put in appearance before the Court below and furnish a demand draft in terms of the order passed or to be passed by the Court on the application to be moved by the petitioner seeking modification of the order dated 19.02.2020. The petitioner herein appeared before the Sessions Judge, Faridabad and applied for modification

of the order dated 19.02.2020 praying for four months time to deposit the remaining compensation amount, while contending that he was ready to deposit 20% of the compensation amount as he was in poor financial condition. The Sessions Judge, Faridabad vide order dated 22.01.2021 reduced the compensation amount from 25% to 20% and directed to appear before the Court on 29.01.2021 to make compliance of the order. There was a rider put on the said direction that in case he fails to surrender on the said date or fails to make compliance of the order so passed then warrants of arrest will be issued again.

It is in these circumstances, the petitioner has approached this Court once again by way of filing the instant petition seeking enhancement of time to four months to make deposit of 20% of the compensation amount as assessed.

Counsel for the petitioner herein argues that the petitioner is in poor financial condition on account of ill-health of his father and child and therefore, he would not be able to comply with the order within the time frame as given by the Sessions Judge, Faridabad and prays for 4 months' time to make the said payment.

I have heard learned counsel for the petitioner and have also gone through the previous order as passed by this Court on 14.12.2020 on which date the petitioner had categorically stated that he would be ready to comply with the order dated 19.02.2020 or any modification made to the same thereafter. Today a request has been made for enhancement of the time, which this Court is not inclined to grant. The petitioner has had sufficient time to make the deposit since the initial order requiring payment of compensation was passed almost one year ago. He has reaped the benefit

of no work having been done in the trial courts on account of COVID-19 pandemic.

At this stage, learned counsel for the petitioner has shared an affidavit on Whatsap group seeking only 15 days time to comply with the order wherein it is clearly stated that he has demand draft of ₹4 lakhs ready for an immediate payment and the remaining amount of ₹11 lakhs would be paid within a period of 15 days. This affidavit is dated 28.01.2021 and duly notarized, however, an original copy of the same shall be filed in the registry by tomorrow itself.

Taking into consideration the affidavit that has been furnished by the petitioner undertaking that he will make the deposit of ₹4 lakhs immediately and the balance amount of ₹11 lakhs will be paid within a period of 15 days, this Court deems it appropriate to extend the time to make the complete payment upto 12.02.2021.

Needless to say that the petitioner will put in appearance before the Sessions Court, Faridabad on 29.01.2021 and make a deposit of ₹4 lakhs through demand draft and for depositing the remaining amount of ₹11 lakhs, the petitioner is granted time upto 12.02.2021. The arrest of the petitioner is, therefore, stayed till 12.02.2021. In case, the petitioner fails to deposit the amount of ₹4 lakhs with the Sessions Court, Faridabad as undertaken in the affidavit on 28.01.2021, the interim relief allowed to him shall be deemed to be vacated. It is also made clear that in case the petitioner does not deposit the amount of ₹11 lakhs before the Sessions Court on or before 12.02.2021, any concession allowed to him will also deemed to be vacated, apart from that the petitioner would also face the perjury proceedings for non-compliance of the affidavit as furnished to the

High Court.

The instant petition is disposed of in the above terms.

(JAISHREE THAKUR)
JUDGE

January 28, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No