

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

CRR-182-2021

Date of Decision: 24.02.2021

(Heard through V.C.)

Satbir

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Monika Jangra, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

Learned counsel for the petitioner herein would contend that vide order dated 13.03.2020 sentence of the appellant has been suspended subject to his furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount with a further condition that the petitioner would pay an amount of 20% of fine/compensation to the complainant in terms of Section 148 of the Negotiable Instruments Act. It is contended that the petitioner furnished requisite bail/surety bonds, however, there being the lockdown period, the amount could not be paid or deposited. It is contended that the petitioner is ready and willing to pay the amount now and has already prepared a demand draft for a sum of Rs.62,500/- in the name of the complainant-respondent on 25.01.2021. Consequently, the bail order dated 13.03.2020 has been recalled and petitioner has been ordered to be arrested vide impugned order dated 22.01.2021.

I have heard learned counsel for the petitioner and have also perused the impugned order.

The petitioner herein, who had been convicted under Section 138 of the Negotiable Instruments Act on account of dishonour of a cheque, filed an appeal before the Additional Sessions Judge, Rohtak, which is numbered as Criminal Appeal No.42 of 2020. The Additional Sessions Judge heard arguments on the application for suspension of sentence and vide order dated 13.03.2020 allowed the said application subject to the petitioner herein furnishing bail bonds for a sum of Rs.50,000/- with one surety in the like amount as well as to pay 20% of the fine/compensation amount to the complainant within period of one month in terms of Section 148 of the Negotiable Instruments Act. However, as per the admitted case of the petitioner, he was unable to do so during the lockdown period warranting recalling of his bail order. The petitioner has now prepared a banker's cheque for an amount of Rs.62,500/- in the name of complainant on 22.01.2021.

Keeping in view the aforesaid circumstances, I propose to dispose of this petition in *limine* by taking into account the fact that the petitioner is willing to comply with the condition of his bail order and has already prepared a banker's cheque for paying 20% of the fine/compensation amount to the complainant. No useful purpose would be served in issuing notice to respondent No.2, who would be then bound to engage a counsel and incur an additional expenditure for appearance in this Court. The petitioner herein is directed to put in appearance before the Additional Sessions Judge, Rohtak, where his appeal is pending within a period of 10 days and comply with the order dated 13.03.2020 in

totality. The impugned order dated 22.01.2021 is *set aside*. However, in the event of the failure of the petitioner in doing so within the stipulated period, his revision shall be deemed to have been dismissed in *toto*.

Disposed of, accordingly.

24.02.2021
ps-I

(JAISHREE THAKUR)
JUDGE

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