

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

(107)

CRR-185-2021 (O&M)

Date of decision : 05.04.2021

Ayub

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

...

SUVIR SEHGAL, J.

CRM-10147-2021

For the reasons given in the application, it is allowed.

Medical record of the petitioner is taken on record as
Annexure A-1.

CRR-185-2021

Instant revision petition has been filed seeking setting aside of orders dated 18.12.2020 and 21.01.2021 passed by the learned Additional Sessions Judge, Faridabad in Criminal Appeal No.180 of 2020 titled as "Ayub Versus HDFC Bank".

Facts, in a nut shell, leading to the filing of the petition, are that the petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881 (for short "N.I. Act") and sentenced to undergo rigorous imprisonment for a period of 6 months on

account of dishonor of cheque of Rs.1,49,820.00 and to pay compensation of Rs.2,20,000.00 to the complainant. In appeal, learned Additional Sessions Judge, Faridabad, vide order dated 23.03.2020 (Annexure P-1), directed that on deposit of amount of Rs.55,000.00, i.e., 25% of the awarded compensation amount in form of a bank draft in favour of the complainant within a period of 60 days, the petitioner shall be released on bail on his furnishing bail bonds, with one surety of the like amount. As the petitioner did not deposit the bank draft, the Appellate Court vide impugned orders dated 18.12.2020 and 21.01.2021, cancelled the bail bond of the petitioner, forfeited his personal bonds and issued warrants of his arrest.

Counsel for the petitioner has contended that due to the exceptional circumstances prevailing in the country due to the outbreak of the pandemic, the petitioner could not comply with the order (Annexure P-1). She has referred to the medical report (Annexure A-1), to submit that the petitioner remained under quarantine and immediately thereafter has prepared a demand draft (Annexure P-6) of the amount of Rs.55,000.00 in favour of the complainant, which will be deposited as directed by this Court.

Without issuing notice to the respondents and taking judicial notice of the situation emerging due to the spread of the contagion, which is the primary reason given by the petitioner, this

Court deems it appropriate to set aside the impugned orders dated 18.12.2020 and 21.01.2021 on the condition that the petitioner shall appear before the Court of learned Additional Sessions Judge, Faridabad, where his appeal is pending, within a period of four weeks from today and comply with the order dated 23.03.2020 (Annexure P-1) in its letter and spirit.

It is clarified that in the event of petitioner’s failure to do so, the impugned orders shall automatically stand revived and this petition shall be deemed to have been dismissed.

Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

05.04.2021
Pardeep

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No