

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

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CRM-M-19462-2021

Date of decision : 23.07.2021.

Satbir Singh and another

... Petitioners

Versus

State of Haryana and another

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Pawan Attri, Advocate for the petitioners.

Anupinder Singh Grewal, J. (Oral)

The petitioner has impugned the order dated 31.01.2020 (Annexure P-6) passed by the Appellate Court whereby the application of the petitioner for exemption from personal appearance has been dismissed and his bail bonds were cancelled for non-depositing 20% of the compensation amount.

Learned counsel for the petitioner contends that the order passed by the Appellate Court is too harsh especially when the financial condition of the petitioner is not sound. He also contends that the petitioner is not in a position to pay 20% of the compensation in terms of the order of the Appellate Court.

Heard through video conferencing.

The petitioner is an accused in a complaint under Section 138 of the Negotiable Instruments Act, 1885 ('NI Act' - for short). He had been convicted by the trial Court to undergo imprisonment for a period of two years and was directed to pay compensation of ₹30 lacs. The petitioner had

thereafter preferred an appeal and the Appellate Court vide order dated 20.09.2019 (Annexure P-5) directed the petitioner to deposit 20% of the compensation/fine awarded by the trial Court within sixty days but the petitioner did not deposit the same despite the direction of the Appellate Court.

Section 148 of the NI Act has been introduced by amendment w.e.f. 01.09.2018 which stipulates that the Appellate Court may order the appellant to deposit a sum which shall be a minimum of 20% of the fine or compensation awarded by the trial Court. The challenge to the amendment was negated by the Supreme Court in the case of *Surinder Singh Deswal @ Col. S.S. Deswal and others vs. Virender Gandhi, 2020(1) RCR (Criminal) 604*.

Therefore, the petitioner did not comply with the direction of the Appellate Court in terms of Section 148 of the NI Act, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

July 23, 2021
sonia gugnani

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