

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

CRR No. 692 of 2021 (O&M)

Date of decision: 19.07.2021

Gurdev Singh

..... Petitioner.

Versus

Punjab National Bank and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Lupil Gupta, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner has impugned the order dated 08.04.2021 passed by the Appellate Court whereby he had been directed to deposit 20% of the compensation amount determined by the trial Court within a period of 60 days.

Learned counsel for the petitioner contends that the petitioner has filed an appeal which is his statutory right and the aforesaid condition is unreasonable, especially when the petitioner is an old person of the age of 90 years and his financial condition is not sound.

Section 148 has been introduced in the Negotiable Instruments Act, 1885 ('NI Act' - for short) 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 amendment had been challenged, but it was upheld 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, wherein it was held that the amendment to Section 148 of the NI Act shall have retrospective effect and shall be applicable to all the pending cases even wherein the complaints were filed prior to 01.09.2018.

Consequently, I do not find any merit in the instant petition as the Appellate Court has directed to deposit 20% of the compensation amount during pendency of the appeal in terms of Section 148 of the NI Act. The petition stands dismissed.

At this stage, learned counsel for the petitioner contends that the petitioner is 90 years of age, he is in financial difficulty and due to Covid-19 pandemic, he may be granted some more time to deposit the amount.

The petitioner shall deposit 20% of the amount of compensation before the trial Court within a period of four weeks from now.

Pending application, if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

19.07.2021
Ramesh

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