

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

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CRM-M-47269-2021

Date of Decision : November 26, 2021

ROHIN CHHABRA

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Deepanshu Mehta, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of the order dated 4.10.2021 (Annexure P-1) whereby a condition of depositing 20% of cheque amount has been imposed for the grant of suspension of sentence in pending appeal.

The learned counsel for the petitioner has submitted that vide impugned order the condition of 20% of the cheque amount could not have been imposed by the learned lower Appellate Court. He further submitted that as per Sub Section 2 of Section 148 of the Negotiable Instruments Act, the period for deposit has been provided to be within 60 days which is further extendable for another 30 days. He submitted that in view of the above, the petitioner was entitled to deposit the amount within 60 days which is extendable upto another 30 days but as per the order of the learned Appellate Court he was to deposit the said amount within 15 days and, therefore, the impugned order is contrary to Sub Section 2 of Section 148 of the Negotiable Instruments Act.

I have heard the learned counsel for the petitioner.

A perusal of the impugned order dated 4.10.2021 (Annexure P-1) would show that there is no time period provided for deposit of 20% of the cheque amount and, therefore, it cannot be said that the learned lower Appellate Court has not fixed time period of 60 days. The time period of 60 days flows from the Statute itself. So far as the mentioning of 15 days is concerned in the impugned order, the same pertains only for furnishing of the bail bonds.

On being asked from the learned counsel for the petitioner as to whether he has furnished bail bonds within 15 days or not, he has stated that he has not furnished the bail bonds till date.

The argument raised by the learned counsel for the petitioner that vide impugned order, a period of 15 days has been stipulated for deposit of 20% is misconceived as such period pertains to furnishing of bail/bonds. The petitioner ought to have furnished the bail bonds within a stipulated period of 15 days which he has not done so.

Therefore, finding no merit in the present petition, the same is, hereby, dismissed.

November 26, 2021

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(JASGURPREET SINGH PURI)
JUDGE

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