

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

CRM-M-5951-2022

Date of decision-14.02.2022

Sukhbir Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Walia, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner has approached this Court for setting aside the order dated 18.01.2020 passed by learned Additional Sessions Judge, Panchkula in case bearing No.CRA-22-2020, titled as “Sukhbir Singh Vs. State of Haryana and others”, whereby petitioner's sentence was suspended subject to deposit of 20% of the compensation amount within 60 days from the date of passing of the order.

Learned counsel for the petitioner submits that the impugned order has been passed by the appellate Court without considering the financial capacity of the petitioner (convict) and directed him to deposit 20% of the cheque amount by way of FDR within 60 days from the date of the order. He submits that the order warrants interference by this Court.

During the course of hearing, it is not disputed that the

appellate Court had issued the directions on 18.01.2020, while admitting his appeal against the impugned judgment of conviction and order of sentence dated 10.12.2019/19.12.2019 respectively, whereby the trial Court had convicted the petitioner for commission of offence punishable under Section 138 Negotiable Instruments Act, 1881. The said appeal is pending adjudication.

When confronted with the maintainability of the petition after a long delay of two years, learned counsel for the petitioner submits that as there was breakout of pandemic COVID-19, therefore, the petitioner could not file the petition within the reasonable time. It is further conceded by the learned counsel that the said ground for delay is not contained in the petition.

Apart from it, the period of 60 days came to an end in March 2020, therefore, considering the unexplained delay in filing the petition, this Court is not inclined to exercise the inherent powers under Section 482 Cr.P.C.

Dismissed.

(MANOJ BAJAJ)
JUDGE

14.02.2022

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