

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11062-2022 (O&M)
Date of Decision:-15.3.2022

Maneet Dhawan ... Petitioner

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rishi Pal Singh, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner assails order dated 10.2.2022 (Annexure P-4) passed by learned Sessions Judge, Kurukshetra, whereby the Lower Appellate Court, while entertaining the appeal filed by the petitioner challenging his conviction in respect of offence under Section 138 of Negotiable Instruments Act as recorded by learned Judicial Magistrate 1st Class, Kurukshetra, has ordered for suspension of sentence during the pendency of appeal while also directing the petitioner to deposit an amount equivalent to 20% of the cheque amount as interim compensation within a period of 60 days from the order, which was passed on 10.2.2022.
2. Learned counsel for the petitioner submits that infact the petitioner had already deposited an amount equivalent to 20% of the cheque amount as

interim compensation during the proceedings of trial and that the petitioner presently is facing a financial crunch and is unable to deposit another 20% though he has a good case on merits. Learned counsel submits that the petitioner is, however, willing to argue the matter through his counsel before the Lower Appellate Court at the earliest and will not resort to any kind of dilatory tactics.

3. The period of 60 days w.e.f. order dated 10.2.2022 is to expire on 8.4.2022, which is about another 3 weeks from today. In view of the aforestated position, the instant petition is disposed off with a direction to the Lower Appellate Court to take necessary steps to hear the appeal and dispose off the same preferably before 8.4.2022. In case, for any reason, the Lower Appellate court is unable to dispose off the same by 8.4.2022, then the matter may be adjourned to a short date thereafter while duly extending interim protection to the petitioner. The petitioner, on the other hand, is directed to ensure the presence of his counsel before the Lower Appellate Court on the dates as may be fixed for arguing the matter. In case, the petitioner or his counsel is not present before the Lower Appellate Court on the dates fixed, it shall be open to the Lower Appellate Court to nominate any counsel from Free Legal Aid, so that the matter is duly argued on behalf of the petitioner.

15.3.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No