

CRM-M-21181-2022 (O&M)

Date of Decision:17.05.2022

Pawan Kumar

...Petitioner

Versus

State Bank of India and another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mayank Gupta, Advocate,
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 21.11.2021 (Annexure P-4) vide which the Lower Appellate Court has cancelled his bail on account of his absence before the Appellate Court.
2. Notice of motion to State of Haryana. On the asking of this Court, Mr. Rahul Mohan, DAG, Haryana, accepts notice on behalf of the respondent-State.
3. Learned counsel for the petitioner submits that the petitioner has been convicted by the trial Court for offence under Section 138 of the Negotiable Instruments Act, vide judgment dated 30.11.2019.
4. Upon an appeal having been filed by the petitioner, the following order was passed on 12.02.2020 (Annexure P-3):-

“Appeal presented. Be checked and registered.

An application for suspension of substantive sentence along with another application for condonation of delay in filing the appeal has been filed along with the appeal.

Heard. The substantive sentence is suspended till the final disposal of this appeal subject to his furnishing personal bond in the sum of Rs.1,00,000/- with one surety in the like amount and also subject to the condition that he shall pay 20% of the compensation awarded by the trial Court within one month. Bonds not furnished. Be furnished on 13.02.2020.”

5. Learned counsel for the petitioner submits that while the aforesaid order was passed in February, 2020, the lock-down was imposed in the entire nation in March, 2020 and the Courts have been working restrictively ever thereafter. It has further been submitted that the petitioner is a daily wager and even his income was greatly affected and on account of which, the amount in question could not be deposited. It has further been submitted that after the restrictions as regards the working of the Courts were relaxed, the matter was taken up for the first time in September, 2021 and thereafter, the case was adjourned twice and his bail was cancelled on 21.11.2021. Learned counsel submits that the petitioner is willing to deposit the entire 20% as had been directed vide order dated 12.02.2020 and to associate with the proceedings of the appeal.
6. In view of the aforesaid submission, it is directed that in case the petitioner appears before the trial Court on the next date, which is stated to be 24.05.2022 and deposits the entire 20% as directed vide order dated 12.02.2020, he shall be released on bail. It is further directed that the order dated 22.11.2021 shall be kept in abeyance till 24.05.2022.

7. The petition stands disposed off, accordingly.

17.05.2022
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(GURVINDER SINGH GILL)
JUDGE

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