

121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:055353
CRM-M-19510-2023
Date of Decision: April 20, 2023

Hardeep Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.D. Bishnoi, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

Petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881, in a complaint titled as *"Hardeep Singh v State of Haryana etc."*, (CNR No.HRFTB1-000439-2020) by the Court of learned Sub Divisional Judicial Magistrate, Tohana, vide judgment dated 07.12.2022 and sentenced to undergo simple imprisonment for two years and further directed to pay compensation of ₹41,50,000/-, vide separate order dated 08.12.2022. Against the said judgment of conviction and order of sentence, he filed appeal. Vide order dated 05.01.2023 (Annexure P-3), learned Addl. Sessions Judge, Fatehabad, admitted the appeal; admitted the petitioner to bail, but further directed him to deposit 20% of the compensation amount as ordered by the Trial Court, within 60 days. Petitioner failed to do so and has approached this Court to set aside the order dated 05.01.2023.

2. There is absolutely no justification to grant the relief as claimed by the petitioner in view of clear mandate of Section 148 of the N.I. Act. However, it is contended by learned counsel that after filing of this petition, presence of the petitioner has been directed to be secured by way of warrants of arrest, vide order dated 28.03.2023. It is undertaken that petitioner shall appear before the Appellate Court on or

before 09.05.2023, the date fixed thereat and shall deposit the amount on or before that date.

3. This petition is hereby disposed of with a direction to the petitioner to surrender before the concerned Appellate Court on or before 09.05.2023, the date already fixed thereat. Warrants of arrest issued against the petitioner shall remain stayed till then, subject to the condition that petitioner makes compliance of the order dated 05.01.2023 of the Appellate Court. In case, petitioner fails to make compliance of any of these directions, this petition shall be deemed to have dismissed.

April 20, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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