

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(114)

2023:PHHC:058272
CRM-M-20281-2023
Date of Decision: 25.04.2023

Mukesh Kumar

--Petitioner

Versus

Balwant Singh

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. S.S. Brar, Advocate for the petitioner.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under section 482 Cr.P.C praying for setting aside the order dated 1.2.2023 (Annexure P-5) passed by the learned Addl. Sessions Judge, Fazilka in case bearing CRA No.369/2022 in complaint no.36 of 2019 dated 8.1.2019 titled as Mukesh Kumar Vs. Balwant Singh vide which the learned court below has declined the application for granting extension of time to furnish the bail/surety bonds in the case. The further prayer is that time period to deposit 20% of the compensation amount may be extended to enable the petitioner to deposit the said amount as directed vide order dated 21.12.2022 (Annexure P-2) passed by learned Appellate Court.

Learned counsel for the petitioner submits that there was an unfortunate death in the family of the petitioner and on account of the same he was unable to comply with the order of the learned Appellate Court within the stipulated time. He submits that in the facts and circumstances of the case petitioner may be granted one last opportunity for compliance of the order. He submits that petitioner will not misuse the concession granted by this court henceforth. He also submits that the appeal filed by the petitioner has arguable points and the same is likely to succeed.

After hearing learned counsel for the petitioner and perusing the record, this court finds no necessity to issue notice to the respondent/complainant as it will amount to wastage of time of the parties.

It is apparent from the record that the petitioner was granted opportunity by the learned Appellate Court for compliance of the terms and conditions of the order which he failed to do so and the explanation for the lapse has been given by the petitioner regarding the death of a family member. This court cannot ignore the fact that because of the non-compliance of the order the interest of the respondent/complainant has been prejudiced as the proceedings in the appeal are being delayed.

In view of the above circumstances, present petition is disposed of by granting one final opportunity to the petitioner to comply with the order passed by the learned Appellate Court within a period of 15 days subject to payment of costs of Rs.25,000/- to be paid to the respondent-complainant over and above the compensation already granted by the Appellate Court.

Resultantly, the order dated 1.2.2023 passed by learned Addl. Sessions Judge, Fazilka, is set aside. Petitioner is directed to furnish the bail bonds/surety bonds along with costs and 20% of the cheque amount, within a period of 15 days from today.

(RAJESH BHARDWAJ)
JUDGE

25.04.2023

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