

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-27549-2022 (O&M)

Date of Decision: 25.07.2023

Makhan Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**Present:** Mr. Arunjeet Singh Kakkar, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J. (Oral)

1. This petition under Section 482 Cr.P.C. is filed seeking extension of one week time to furnish the probation bonds in pursuance to order dated 11.12.2021 passed in CRA-34-2020 in Criminal complaint No. 929 dated 19.01.2018.

2. The relevant facts are that the petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881 vide judgment dated 28.01.2020. He was sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs. 2000/-. Aggrieved of the conviction and quantum, an appeal was preferred which was partly allowed on 11.12.2021 with the following conditions:

(a) That the appellant-accused shall pay the installments in terms of his statement.

(b) That the appellant-accused shall furnish probation bonds in the sum of Rs.25,000/- under Section 4(1) of Probation of Offenders Act before learned Area/Duty Magistrate within 15 days from today.

(c) That the appellant-accused shall keep good behaviour and

peace till the payment of final installment.

(d) In case the appellant-accused fails to fulfill these conditions or if he fails to pay any installments, his appeal against impugned sentence order shall be dismissed automatically and learned Area Magistrate shall be at liberty to take necessary steps strictly in accordance with rules for sending the appellant-accused to jail to serve the sentence.

3. The petitioner failed to furnish the probation bonds and vide order dated 03.01.2022, arrest warrants were issued. Hence the present petition.

4. On 28.06.2022, the following order was passed by this Court:-

“Learned counsel for the petitioner has submitted that as per the award dated 11.12.2021, the entire matter had been settled at Rs.3,60,000/- which was to be paid to respondent No.2-Bank in the manner which has been declared in para 2 of the said award and the installment of an amount of Rs.1,00,000/- was to be paid till 10.12.2021 which had been duly paid and balance amount of Rs.2,60,000/- alongwith interest @ 13% p.a. was to be paid in six equal installments of an amount of Rs.65,000/- each. It is further submitted that first installment of Rs.65,000/- has also been paid, although, there was some delay in the same and the said fact is apparent from order dated 20.06.2022 (Annexure P-6). It is contended that the petitioner undertakes to pay the subsequent installments on time and also is ready to comply with the condition No.(b) and all the other conditions. It is further contended that the petitioner could not furnish probation bond in the sum of Rs.25,000/- under Section 4(1) of the Probation of Offenders Act before the Area/Duty Magistrate within a period of 15 days from the date of award on account of communication gap. It is argued that the petitioner is also ready to compensate respondent No.2-bank with an amount of Rs.15,000/- on account of delay which has occurred in complying with the conditions.

Notice of motion for 28.07.2022.

The petitioner is directed to deposit the additional

amount of Rs.15,000/- with respondent No.2-bank within a period of two weeks from today and the said amount would be over and above the amount which had to be paid as per para 2 of the award and would also furnish probation bond in the sum of Rs.25,000/- under Section 4(1) of the Probation of Offenders Act before the Area/Duty Magistrate within a period of 15 days from today.

Till the next date of hearing, the warrants of arrest issued against the present petitioner are stayed.”

5. The respondent No. 2 is a Faridkot Primary Co-operative Agriculture Development Bank, Branch Faridkot through its CDEO Mohinder Singh. The registry has reported that Mohinder Singh CDEO has expired and notice was served through Jagroop Singh. None has put in appearance on behalf of respondent No. 2.

6. The petitioner has produced order dated 04.07.2022 passed by the Judicial Magistrate 1st Class, Faridkot showing that petitioner has complied with the conditions imposed by this Court.

7. From the reading of the order dated 04.07.2022 it is forthcoming that the arrest warrant issued of the petitioner was cancelled. Consequently, no further directions are called for. The petition is disposed of.

8. Needless to say in case of any factual discrepancy in the statements made before this Court today, the respondent No. 2 (Bank) would be at liberty to move an application for recalling of this order.

(AVNEESH JHINGAN)
JUDGE

July 25, 2023

Rajeev (rvs)

Whether speaking/reasoned
Whether reportable

Yes
No