

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-3032-2024
Date of Decision : January 23, 2024

SURESH KUMAR -PETITIONER

V/S

STATE OF HARYANA AND ANOTHER -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Raj Kumar Bhatia, Advocate with
Mr. Nitish Bhatia, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the Cr.P.C., the petitioner assails the order dated 12.01.2024 (Annexure P-5), whereby, the learned trial Court concerned has cancelled the bail of the petitioner and his bail bonds and surety bonds have been also forfeited.

2. As a matter of fact, the learned trial Court concerned has, through drawing a verdict of conviction and consequent thereto order of sentence on 23.03.2023, upon complaint bearing CIS No.229-2016, convicted the petitioner for commission of offence punishable under Section 138 of the Negotiable Instruments Act and sentenced him to undergo simple imprisonment for two years and to pay compensation of Rs.13,30,000/- to the complainant.

3. Aggrieved by the verdict of conviction and order of sentence (supra), the petitioner has preferred a statutory appeal before the learned

appellate court concerned, whereupon, the latter, vide order dated 12.10.2023, ordered the petitioner to pay 20% payment of the compensation amount. However, the petitioner did not pay the 20% of the compensation amount, rather approached this Court, through filing CRR-2789-2023, thereby assailing the order dated 12.10.2023. The revision (supra) preferred by the petitioner did not find favour with this Court and the same was dismissed vide order dated 05.12.2023.

4. Even thereafter, the petitioner instead of making payment of 20% of the compensation amount, moved an application seeking exemption from his personal appearance, which led the learned appellate court concerned to cancel his bail, and, to forfeit his bail bonds and surety bonds.

5. Today, the learned counsel for the petitioner has submitted that the petitioner does not have any intention to evade the order dated 12.10.2023, as made by the learned appellate court concerned, rather he is ready and willing to deposit 20% of the compensation amount, in compliance of the said order. However, citing the poor medical and economic condition of the petitioner, he seeks some time, for thereby enabling the petitioner to deposit 20% of the compensation amount.

6. Considering the *bona fide* and innocuous prayer made by the learned counsel for the petitioner, the petitioner is granted liberty to deposit the 20% payment of the compensation amount in three equal installments. The payment schedule is extracted hereinafter:-

1st Installment: Within a month from today

2nd Installment: After 15 days from payment of 1st installment

3rd Installment: After 15 days from payment of 2nd installment

7.

As a sequel to the above, especially the undertaking given by the learned counsel for the petitioner that the petitioner will make the payment, in the manner prescribed hereinabove, the impugned order dated 12.01.2024 (Annexure P-5) is set aside and the petitioner is directed to appear before the learned appellate court concerned, whereupon, the latter shall admit the petitioner on regular bail, on the same bail bonds and surety bonds, as furnished earlier by him and which stood forfeited.
8.

The instant petition is disposed of accordingly.

January 23, 2024
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(KULDEEP TIWARI)
JUDGE

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