

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No. 5604 of 2024 (O&M)
Date of Decision: 07.02.2024**

Dilbag Rai Bagga

..... Petitioner

Versus

Gurbax Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bikram Singh, Advocate
for the petitioner.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of orders dated 21.04.2023 & 15.01.2024 (**Annexures P-2 & P-3 respectively**) passed by learned Additional Sessions Judge, Jalandhar in CRA-155-2023, titled “*Dilbag Rai Bagga Versus Gurbax Singh*”, whereby he was directed to deposit 20% of the compensation amount as awarded by the trial Court within 60 days from the date of order and on default, his bail bonds were cancelled and forfeited to State, besides issuance of non-bailable warrants against him.

[2] Having been convicted and sentenced under Section 138 of Negotiable Instruments Act, vide judgment of conviction and order of sentence dated 24.03.2023 passed by learned Judicial Magistrate Ist Class, Jalandhar, the petitioner filed first appeal, wherein vide order dated 21.04.2023, learned Additional District & Sessions Judge-VIII,

Jalandhar, directed the petitioner to deposit 20% of the compensation amount as awarded by the trial Court. Having failed to do so, the Appellate Court vide order dated 15.01.2024 cancelled the bail as well as bail bonds of the petitioner and forfeited to State, besides issuance of non-bailable warrants against him. Aggrieve thereof, the petitioner has preferred the present petition.

[3] Learned counsel for the petitioner submits that the petitioner happens to be an old retiree from Govt. Department, suffering from various age related diseases and thus, is not in a position to deposit the amount as directed by the Appellate Court; however, he submits that in order to show his *bona fide*, the petitioner would deposit 10% of the compensation amount as awarded by the trial Court. For the said purpose, learned counsel submits that the needful shall be done on the date fixed before the First Appellate Court, i.e. 12.02.2024.

[4] After hearing learned counsel for the petitioner, the prayer made on behalf of the petitioner seems to be reasonable and justified.

[5] In view of the prayer made on behalf of the petitioner, considering the old age of the petitioner besides he being a retired Government employee, the order dated 21.04.2023 (P-2) passed by the learned Additional District & Sessions Judge-VIII, Jalandhar, is modified to the extent that the petitioner shall deposit 10% of the compensation amount, as awarded by the trial Court, on or before the next date of hearing fixed before the Appellate Court, i.e. 12.02.2024

and on the same date, he shall furnish his fresh bail / surety bonds, which shall be accepted by the First Appellate Court to its satisfaction alongwith the aforesaid amount, as volunteered by him, and till then, no coercive steps shall be taken against him. The order dated 15.01.2024 (P-3) cancelling the bail and forfeiting surety bonds of the petitioner while issuing non-bailable warrants against him, stands set aside.

[6] **Disposed off** accordingly.

February 07, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>