IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

110 **CRR 244 of 2024**
Date of Decision: 06.02.2024

Shingara Singh @ Shingara Ram ...Petitioner

Versus

State of Punjab and another ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Yaseen Sethi, Legal Aid Counsel
for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the order dated 20.11.2022 passed by the Court of Additional Sessions Judge, Kapurthala, whereby, the petitioner has been directed to deposit 5% of the compensation amount awarded by the trial Court.

2. Learned counsel for the petitioner contends that the respondent No. 2 had filed a complaint under Section 138 of the Negotiable Instruments Act 1881 (hereinafter to be referred as '**the Act'**) against the present petitioner with the allegations that the petitioner had raised a friendly loan of Rs. 2,00,000/- without interest in December 2021 and another friendly loan of Rs. 2,00,000/- was taken in January 2022 from him. Ultimately, the petitioner issued a cheque for a sum of Rs. 4,00,000/- from his bank account in favour of respondent No. 2 with the assurance that the cheque will be honoured

on presentation. However, the aforesaid cheque was dishonoured with the remarks “funds insufficient”.

3. Again, the cheque was presented and was dishonoured with the same remarks. Ultimately, the petitioner was tried by the Court of Judicial Magistrate 1st Class, Sultanpur Lodhi and was convicted under Section 138 of the Act and was sentenced to undergo rigorous imprisonment for a period of two years and to pay Rs. 4,00,000/- as compensation. Challenging the judgment and order passed by the Judicial Magistrate 1st Class, Sultanpur Lodhi, the petitioner had filed an appeal before the Sessions Court and vide the impugned order dated 20.11.2023, the Court of Additional Sessions Judge, Kapurthala, directed the petitioner to deposit 5% of the compensation awarded by the trial Court in view of the judgment passed by this Court in CRM M-8711 of 2018 titled as **“Balbir Kaur Vs. State of Punjab and others”**. Learned counsel for the petitiner contends that as per the provisions of Sections 143-A and 148 of the Act, it is nowhere provided that in case the payment is not deposited, the bail granted to the accused can be cancelled. Still further, the condition for grant of bail cannot be made onerous for the accused and there is no specific provisions for automatic cancellation of the bail granted to the accused.

4. I have heard learned counsel for the petitioner and perused the record.

5. In the present case, the total amount of compensation awarded by the trial Court was Rs. 4,00,000/- only and the petitioner was directed to deposit only 5% of the amount of compensation, i.e. Rs. 20,000/-, awarded by the trial Court. However, instead of paying such a small amount, the petitioner has preferred the present revision petition before this Court after a period of about 03 months. Still further, it can never be said that such a condition of depositing of 5% of amount of compensation was burdensome or was onerous. In fact, there is no valid ground to interfere with the impugned order and the petition is liable to be dismissed by this Court.

6. Dismissed.

06.02.2024 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

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