

2024:PHHC:115780



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

261 **CRM M-12677 of 2022 (O&M)**
Date of Decision: 04.09.2024
Rajinder Sharma ...Petitioner
Versus
Sarla Devi ... Respondents

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

Present : Mr. Shobhit Sharma, Advocate, for
Mr. Kshitij Sharma, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure with a prayer to quash the impugned order dated 24.08.2021 (Annexure P-1) passed by the court of Additional Sessions Judge, Rohtak, whereby the petitioner had been directed to deposit the 20% of the total amount of compensation.
2. Learned counsel for the petitioner contends that the petitioner was tried for the offence punishable under Section 138 of the Negotiable Instruments Act 1881 and was ordered to be convicted on 05.12.2019. He was also sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.35,63,000/- as compensation besides Rs. 2,000/- as fine which shall be deposited with the Court. Challenging the validity of the

judgment passed by the trial Court, the petitioner had filed a CRA-8-2020 titled as “**Rajender Versus Sarla**” before the Court of Sessions Judge, Rohtak. The said appeal was heard by the Court of Additional Sessions Judge, Rohtak on 08.01.2020 and the appellate Court had suspended the sentence imposed on the petitioner/appellant till the disposal of the appeal. He was ordered to be released on bail subject to furnishing of bail bonds in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the appellate Court, subject to the condition that he will deposit 20% of the compensation amount awarded by the trial Court within a period of 60 days in view of Section 148 of the Negotiable Instruments Act 1881. Since the 20% of the compensation amount was not paid, vide the order dated 24.08.2021, the bail granted to the petitioner/appellant was cancelled.

3. I have heard learned counsel for the parties at length.

4. Learned counsel for the parties have agreed that the condition of imposing the deposit of 20% amount of compensation may be set aside and the petitioner/appellant may be directed to surrender before the appellate Court within a period of 10 days from today.

5. Still further prayed that since the appeal is pending since long, appropriate directions may be issued to the appellate Court to decide the matter within a certain stipulated time period.

6. In view of the submissions made by the learned counsel for the parties, the petitioner/appellant is directed to surrender before the appellate Court within a period of 10 days and on his appearance, he shall be admitted to bail and his sentence shall be suspended subject to furnishing bail bonds and surety bonds to the satisfaction of the Appellate Court. He shall be exempted from depositing 20% amount of compensation during the pendency of the appeal before the Appellate Court. Further, the appellate Court is directed to decide the appeal within a period of 03 months from the next date of hearing fixed before this Court.

7. With the aforesaid directions, the present petition stands disposed off.

04.09.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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