

2024:PHHC:042474

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CRM-M-15111-2024
Date of decision : 22.03.2024

Jagbir Punia Petitioner

versus

Virender and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. U.K. Agnihotri, Advocate and
Mr. A.K. Agnihotri, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., petitioner is seeking quashing of the impugned order dated 21.02.2024 (Annexure P-8) passed by the Appellate Court, whereby his bail bond and surety bonds stands cancelled.
2. Petitioner is a convict of offence punishable under Section 138 of the Negotiable Instruments Act after his cheque amounting to Rs.6,38,000/- was dishonoured.
3. After trial, the petitioner was convicted and was sentenced to undergo one year imprisonment alongwith compensation of Rs.6,45,000/-. Petitioner preferred appeal. His sentence was ordered to be suspended, but subject to payment of 20% of the compensation amount. Having failed to pay the compensation amount, the impugned order has been passed.
4. Counsel for the petitioner while assailing order Annexure P-5 dated 19.12.2023 submits that the Appellate Court without

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assigning any reason has awarded the maximum amount as prescribed under Section 148 of the Act i.e. 20% of the compensation amount. He submits that petitioner is ready to pay 10% of the compensation amount within a period of 30 days.

5. Finding it to be a fair request, the same is accepted. Present petition is being disposed of with the following directions:-

- (a) That the petitioner as per his statement recorded hereinabove shall pay 10% of the compensation amount within a period of 30 days which shall be taken to be due compliance of order Annexure P-5 which is ordered to be modified to the said extent.
- (b) Appellate Court is directed to decide the appeal expeditiously and if possible, preferably, within a period of 60 days from the date of receipt of certified copy of the order.

6. Keeping in view the innocuous relief being granted to the petitioner, this Court does not deem it necessary to issue notice to the respondent-complainant thereby settling him with the litigation cost. However, in case the respondent-complainant feels aggrieved of the instant order, he shall be at liberty to move an appropriate application.

7. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

22.03.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No