

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

**CRM-M No. 17184 of 2024 (O&M)  
Date of Decision: 08.04.2024**

Dr. Naveen Sharma

..... Petitioner

**Versus**

State of Punjab and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Ram Kumar Chauhan, Advocate,  
for the petitioner.

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**HARKESH MANUJA, J. (ORAL)**

The petitioner, by way of present petition filed under Section 482 Cr.P.C., seeks quashing of the order dated 27.03.2024 (Annexure P-6) passed by the learned Additional Sessions Judge, Hoshiarpur, in Appeal No.381 of 2023, titled “*Naveen Sharma Versus State of Punjab and others*”, arising out of NACT No. 530/2019, titled “*Mohan Singh Versus Naveen Sharma*”, whereby the bail bonds of the petitioner were cancelled followed by forfeiture of surety bonds on account of non-depositing of the 20 % of compensation amount, as directed vide order dated 25.12.2023 (Annexure P-3)

[2] Briefly stating, having been implicated in a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short “NI Act”), filed at the instance of respondent No. 2-complainant, the petitioner came to be convicted vide judgment dated 28.11.2023 and sentenced vide order of even date passed by the learned Judicial Magistrate Ist Class,

Hoshiarpur, to undergo simple imprisonment for a period of two years, besides payment of compensation to the tune of double of the cheque amount to the complainant.

[3] Aggrieved thereof, the petitioner preferred first appeal before the Court of Additional Sessions Judge, Hoshiarpur, whereby, vide order dated 25.12.2023, the Appellate Court directed the petitioner to deposit 20% of the total amount of compensation awarded by the trial Court within 60 days from that order i.e. 25.12.2023, with the following observations:-

*“ In case the appellant/convict fails to comply with the conditions no. 1 and 2, the bail so granted by virtue of this order shall be deemed to have been cancelled and the bail bonds to have been discharged and the appellant/convict will be put under an obligation to surrender before the trial Court and undergo the sentence.*

*Copy of this order be also sent to the concerned learned trial court for ensuring compliance of the order.*

*File be sent to the Court of Learned Sessions Judge, for the date fixed for 05.01.2024 for entrustment.”*

[4] Even thereafter, the period of 60 days was extended with another period of 30 days vide order dated 28.02.2024 (Annexure P-4) passed by the learned Additional Sessions Judge, Hoshiarpur; however the petitioner failed to comply with the directions issued in terms of order dated 25.12.2023, thereby resulting into passing of the impugned order dated 27.03.2024 (P-6), whereby the bail of petitioner was cancelled followed by forfeiture of bail and surety bonds to the State.

[5] Learned counsel for the petitioner submits that the petitioner has now arranged for 20% of the amount of compensation and in case, he is afforded shortest possible opportunity, he would deposit the required sum before the Appellate Court.

[6] Notice of motion *qua* respondent No. 1-State of Punjab only at this stage.

[7] Mr. Kewal Singh, Additional Advocate General, Punjab, accepts notice on behalf of respondent No. 1 and raises no objection against the innocuous prayer made on behalf of the petitioner.

[8] In view of the above as well as assurance given by the learned counsel for the petitioner, the present petition is **disposed off** with direction to petitioner to deposit the 20% amount of the compensation in terms of the aforesaid order dated 25.12.2023 (P-3) within a period of two days from today; upon doing so, he will furnish his fresh bail bonds / surety bonds which shall be accepted by the Court to its satisfaction.

[9] **Disposed off** accordingly.

[10] In the humble opinion of this Court, the present petition is disposed off without issuance of any notice to respondent No. 2-complainant as it may further delay the cause of complainant, besides putting him to unnecessarily litigation.

[11] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

[12] The aforesaid order shall, however, be subject to payment of costs of Rs. 5,000/- to be paid by the petitioner to respondent-

complainant, within a period of one week from the date of receipt of certified copy of this order.

**April 08, 2024**  
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**( HARKESH MANUJA )**  
**JUDGE**

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |