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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-22213-2024

Date of decision : May 06, 2024

Surender Kumar

....Petitioner

VERSUS

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vivek Goyal, Advocate, for the petitioner

KULDEEP TIWARI,J. (ORAL)

1. Through the instant petition, the petitioner seeks quashing of the order dated 31.3.2023 (Annexure P-1), whereby, the learned Additional Sessions Judge concerned has directed him to deposit 20% of the compensation amount within 60 days before the learned trial Court concerned, and order dated 10.7.2023 (Annexure P-2), whereby, order granting suspension of sentence was ordered to be vacated and the bail granted to the petitioner is also ordered to be cancelled because of non-payment of compensation amount.

2. The petitioner has been convicted by the learned trial Court concerned vide judgment dated 27.2.2023, and vide order of sentence dated 3.3.2023, he was sentenced to undergo simple

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imprisonment for a period of one year, and to pay compensation to the tune of double of the amount of impugned cheque, under Section 357(3) Cr.P.C.

3. The verdict of conviction, and order of sentence (*supra*) caused grievance to the petitioner, and triggered him to institute a statutory appeal thereagainst, before the learned appellate court concerned, which is pending consideration. However, the learned appellate court concerned has, through the impugned order dated 31.3.2023 (Annexure P-1), directed him to deposit 20% of the compensation amount within 60 days therefrom, before the learned trial Court concerned. Since the petitioner failed to deposit 20% of the amount, the learned appellate court concerned through the impugned order dated 10.7.2023, cancelled the bail of the petitioner and bail bonds were forfeited to the State. Feeling aggrieved by the impugned orders (*supra*), the petitioner has now approached this Court, through the instant petition.

4. The learned counsel for the petitioner, at the very outset submits that he is not assailing the impugned orders (*supra*), on merits and that the petitioner is ready and willing to comply with orders dated 31.3.2023 (Annexure P-1), if a reasonable time is granted to him.

5. In view of the aforesaid, without going into the merits of



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the case, and considering the innocuous and *bonafide* prayer, as made by the petitioner is accepted. The impugned order 10.7.2023 (Annexure P/2), is **quashed** and the petitioner is permitted to deposit 20% of the compensation amount as awarded by the learned appellate court concerned, within three months from today. On deposit of the same, the petitioner shall be released on bail, on his furnishing fresh bail bonds to the satisfaction of the learned trial court concerned.

6. **Disposed** of accordingly.

May 06, 2024
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(KULDEEP TIWARI)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>