

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21882-2024 (O&M)
Date of order: 02.05.2024

Surender Kumar
... Petitioner(s)
Versus
State of Haryana & another
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Kapil Gupta, Advocate and
Mr. Vivek Goyal, Advocate
for the petitioner(s).

Mr. Vikrant Pamboo, Sr. D.A.G., Haryana.

ANOOP CHITKARA, J.

1. Seeking quashing of orders dated 31.3.2023/10.7.2023, whereby petitioner was asked to deposit 20% of compensation amount and further, on non-compliance, his bail stands cancelled, the petitioner, who is convict, has come up before this Court under Section 482 CrPC.
2. Vide order dated 31.3.2023 (Annexure P-1) passed by Additional Sessions Judge, Kurukshetra, the petitioner was directed to deposit 20% of the compensation amount in terms of Section 148 of the Negotiable Instruments Act, and vide order dated 10.7.2023 (Annexure P-2), the bail granted to the petitioner has been cancelled due to non-deposit of 20% of the amount of compensation.
3. The nature of order this Court proposes to pass, no prejudice is going to be caused to the complainant-respondent no.2 and as such, no notice is being issued to him.
4. Counsel for the petitioner submits that case of the petitioner is very good on merits and the cheques, which are in question, were in continuity and they were misused. He further submits that the petitioner is not in a position to deposit the 20% amount, due to financial crunch.
5. Without going into the allegations and the merits of the case, this Court

is considering the limited prayer of the petitioner that he has no financial capacity to pay the 20% of the compensation amount and in case his sentence is not suspended, it would be violative of his fundamental right under Article 21 of the Constitution of India.

6. In the entirety of facts and circumstances of the case, impugned orders are set aside and this Court feels it appropriate to pass the following order:-

- i) Trial Court is requested to take up the appeal and decide the same on or before 31.7.2024;
- ii) Till the disposal of appeal, appellate Court shall not insist for any deposit, as ordered vide order dated 31.3.2024;
- iii) Appellate Court is requested to accept the bail bonds of the petitioner. Till the bail bonds are accepted by the trial Court, the arrest of the petitioner shall remain stayed till 9.5.2024 when the matter is listed before the appellate Court;
- iv) The petitioner shall not seek even a single adjournment. In case he does so, this order shall stand withdrawn without any reference to this Court. However, it is clarified that in exceptional circumstances, the petitioner may appear through his counsel, but he shall not claim prejudice in that regard later on.

7. Accordingly, the present petition is allowed to the extent above. Any other application(s), if any, shall stand disposed of.

(ANOOP CHITKARA)
JUDGE

May 02, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No