



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

Sr. No.124

CRM-M-49410-2024

Date of decision : 03.10.2024

PARDEEP GUPTA

..... Petitioner

VERSUS

ONKAR NATH BHALLA

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Depanshu Mehta, Advocate and
Mr. Bhavit Sharma, Advocate
for the petitioner.

KIRTI SINGH, J. (Oral)

The present petition has been filed under Section Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking to set aside the order dated 18.09.2024 (Annexure P-2) passed by the Additional Sessions Judge, Amritsar, vide which petitioner's bail was cancelled and non-bailable warrants were issued due to failing to deposit 20% of the compensation awarded in conviction and order of sentence under Section 138 of the Negotiable Instruments Act.

2. Learned counsel for the petitioner submits that the petitioner and respondent were partners in a firm until the petitioner retired on 17.09.2018 after clearing all liabilities and dues. However, the respondent later misused old security cheques to file a complaint under Section 138 of the Negotiable Instruments Act. Consequently, the Trial Court, vide its order dated 10.08.2023, convicted the petitioner and awarded a total compensation of Rs. 23 lakhs. The petitioner filed an appeal against the judgment, and the Appellate Court, on 06.09.2023, while suspending the sentence imposed a condition that the petitioner shall deposit 20% of the compensation,

amounting to Rs. 4,60,000 before the next date of hearing i.e. 20.01.2023.



Despite efforts, the petitioner aged 70 years could not arrange the required amount due to the absence of any earning member in the family. His son passed away in 2022 due to liver failure, and his wife is undergoing treatment for cancer. He also submits that the petitioner had previously filed CRM-M-62260-2023 and sought relief from this Hon'ble Court to set aside the condition imposed by the Appellate Court, requiring a 20% compensation deposit for bail. Vide order dated 30.01.2024, this Hon'ble Court issued a notice regarding interim relief. However, the Appellate Court, on 18.09.2024, cancelled the bail granted to the petitioner and issued non-bailable warrants against him for 19.11.2024.

3. Learned counsel further submits that petitioner is willing to pay 20% of the compensation, amounting to Rs.4,60,000/- and he may be granted one opportunity to surrender before the trial Court and in order to show his bona fide, he has brought a demand draft amounting to Rs. 4,60,000/- in Court today.

4. In view of the above and in the interest of justice, the present petition is allowed and order dated 18.09.2024 (Annexure P-2) is hereby set aside/quashed and the petitioner would appear before the trial Court within a period of one week and the trial Court would release the petitioner on bail on his furnishing fresh bail bonds to its satisfaction. In case, the petitioner failed to appear before the trial Court within a period of one week, this order would be of no avail to the petitioner.

(KIRTI SINGH)
JUDGE

03.10.2024

Kavita

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No