



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-55365-2023

Date of Decision : **November 08, 2024**

DEVI LAL

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Lipika, Advocate for
Mr. Deepak Kumar, Advocate for the petitioner.
Mr. Abhinash Jain, DAG, Haryana.
Mr. Naman Jain, Advocate for the respondent-Bank.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, prayer is made for setting aside the order dated 13.10.2023 (Annexure P-3), whereby bail bonds of the petitioner were ordered to be forfeited and arrest warrants has been issued against the petitioner.

2. On 6.11.2023, a co-ordinate Bench of this Court had passed the following order:-

“Prayer in this petition filed under Section 482 Cr.P.C. is for setting aside the order dated 13.10.2023 (Annexure P-3), whereby bail bonds of the petitioner were ordered to be forfeited for non-deposit of 20% of the compensation amount in view of the provisions of Section 148 of Negotiable Instruments Act, 1881. The aforesaid condition was specified in the order suspending sentence that the same would stand automatically vacated in case of non-payment of the aforesaid amount within 60 days. The said period is stated to have expired on 08.10.2023.

Learned counsel for the petitioner submits that the petitioner noted a wrong date due to which the said condition could not be complied with and he is ready to deposit the said amount as stipulated vide order dated 13.10.2023 (Annexure P-3). The petitioner never intended to defy the order passed by the Court but default occurred on account of the above reason.

Notice of motion, returnable for 16.01.2024.

In the meanwhile, petitioner is permitted to move an appropriate application before the Appellate Court concerned within a period of 10 days from today, seeking enlargement of time in terms of the provisions contained under Section 148 of Negotiable Instruments Act, 1881, along with a demand draft in the sum of Rs.10,000/- as compensatory costs to be paid to the complainant. The petitioner is further directed to deposit the 20% compensation amount i.e. Rs.90,000/- with the appellate Court, within the aforesaid time frame.

The impugned order dated 13.10.2023 shall remain in abeyance till the next date before this Court subject to the petitioner complying with this order within the time specified.”

3. Today, the learned counsel for the respondent No.2-Bank submits that the petitioner has made compliance by depositing 20% of the compensation amount alongwith Rs.10,000/- as compensatory costs and now he has joined the proceedings.

4. In view of the above, the instant petition is **allowed** and the order dated 13.10.2023 is, hereby, set-aside. The petitioner is directed to join the proceedings before the learned trial Court concerned on each and every date.

November 08, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No