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

CRM-M-58109-2024
DATE OF DECISION: 21.11.2024

PUNEET KUMAR ALIAS BANTI ..PETITIONER

Versus

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Munish Kamboj, Advocate for the petitioner.

Mr. B.S.Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This petition under Section 528 of BNSS has been filed for quashing of the order dated 12-07-2024 (Annexure P1) passed by Additional Sessions Judge, Sirsa by which application under section 389 of Cr.P.C. moved by the petitioner in appeal bearing no. CRA-183-2024 titled as 'Puneet Kumar alias Banti V/S Balwinder Singh' filed on 12.07.2024 against the conviction order dated 13.06.2024(Annexure P4) in case bearing no. NACT/782/2018 title as 'Balwinder Singh VS Puneet Kumar @ Banti' under section 138 of NI Act filed on 30.05.2018, in which sentence of petitioner was suspended, but a condition was imposed to deposit 20% of the compensation amount within sixty days and subsequent order dated 14.10.2024 (Annexure P2) in which direction was given to comply order dated 12.07.2019.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to



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move an appropriate application before the lower Appellate Court, with the reasons/grounds on which he is asking for the waiver of 20% of the compensation amount as stipulated under Section 148 of the Negotiable Instruments Act, who shall adjudicate afresh by passing in the light of ‘*Jamboo Bhandari versus M.P. State Industrial Development Corporation Ltd. & Ors.*’, decided on 04.09.2023.

Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.

However, it is made clear that in case the Lower Appellate Court dismissed the application for waiver of the condition, the petitioner would be at liberty to approach this Court again on that cause of action.

(SANDEEP MOUDGIL)
JUDGE

21.11.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>