

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

CRM-M-6288-2025

Date of Decision: 03.02.2025

M/s Power Onicks Ltd and another

...Petitioners

vs.

Dhananjay Garg

...Respondent

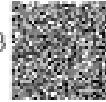
Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Mona Goyal, Advocate
 for the petitioners.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of BNSS with a prayer to quash the impugned order dated 25.11.2024 passed by the Court of Sessions Judge, Sri Muktsar Sahib, in CRA-199-2024 titled as “M/s Power Onicks Ltd. and another Vs. Dhananjay Garg”, whereby the present petitioners had been directed to deposit the amount of Rs.43,65,125/- i.e. 20% of the compensation awarded by the trial Court.

2. Learned counsel for the petitioners contends that the petitioners were tried for the offence punishable under Section 138 of the Negotiable Instruments Act 1881 and were ordered to be convicted on 23.10.2024 (Annexure P-3). They were also sentenced to undergo rigorous imprisonment for a period of two years and to pay a compensation equal to cheque amount to the complainant. Challenging the validity of the judgment passed by the trial Court, the petitioners had filed a CRA-199-2024 titled as “M/s Power Onicks Ltd. and another Vs. Dhananjay Garg” before the Court of Sessions Judge, Sri



Muktsar Sahib 25.11.2024 and the Appellate Court had suspended the sentence imposed on the petitioners/appellants, till the disposal of the appeal. They were ordered to be released on bail, subject to furnishing of bail bonds in the sum of Rs.1,00,000/- each, with one surety in the like amount, within a period of 15 days to the satisfaction of the learned trial Court/Duty Magistrate alongwith imposing another condition of paying 20% i.e. Rs.43,65,125/-, out of cheque amount Rs.2,18,25,625/-, within a period of 60 days, in view of Section 148(1) of the Negotiable Instruments (Amendment) Act, 2018. Since the 20% of the compensation amount was not paid, vide the impugned order dated 25.11.2024, the bail granted to the petitioners/appellants was canceled and their bail bonds were ordered to be forfeited to the State and their presence were ordered to be secured through non-bailable warrants.

3. On advance notice, Mr. Sunil Kumar Bajaj, Advocate has appeared on behalf of the respondent, by filing his vakalatnama and the same is taken on record.

4. I have heard learned counsel for the parties and perused the record carefully.

5. Learned counsel for the parties have agreed that the condition of imposing the deposit of amount of Rs.43,65,125/- i.e. 20% of the compensation awarded by the trial Court may be set aside and the petitioners/appellants may be directed to surrender before the Appellate Court, within a period of 10 days from today. Still further prayed that since the appeal is pending since long, appropriate directions may kindly be issued to the Appellate Court to decide the appeal within a certain stipulated time period.

6. In view of the submissions made by learned counsel for the parties, the petitioners/appellants are directed to surrender before the Appellate Court within a period of 10 days and on their appearance, they shall be admitted to bail and their sentences shall be suspended subject to furnishing bail bonds and surety bonds to the satisfaction of the Appellate Court. They shall be exempted from depositing an amount of Rs.43,65,125/- i.e. 20% of the amount of compensation during the pendency of the appeal, before the Appellate Court. However, it is clarified that this Court has not considered the merits of the case and the present order is being passed only with the consent and joint request of both the parties.

6. Since the complaint was initially filed on 11.01.2018 and a period of 7 years has lapsed, after the institution of the complaint, the Appellate Court is directed to decide the appeal within a period of 04 months from the next date of hearing fixed before it. It is also observed that the petitioners as well as the respondent shall not pray for an adjournments on frivolous ground.

7. Disposed of with the above directions.

03.02.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No