



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

124

CRM-M-15388-2025

Date of Decision : **March 21, 2025**

POOJA SAINI

.....Petitioner

VERSUS

CANARA BANK

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Aryavart, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

The petitioner has assailed the order dated 31.8.2024 (Annexure P-2), whereby the lower appellate Court ordered him to pay 20% of the total cheque-compensation amount for suspending the sentence as envisaged under the Statute.

Learned counsel for the petitioner would argue that on account of ill-health of the parents of the petitioner, he was not in a position to deposit the said amount as of date and on that account only he failed to comply with the order passed by the lower appellate Court. Before this Court at the outset, he has volunteered and undertaken to deposit 20% of the amount of cheque-compensation within a period of one month from today.

Ms. Rahish Pahwa, Advocate while appearing on behalf of the respondent-Bank would contest for dismissal of the petition by asserting that the statutory period of 60 days has already been elapsed and even further

another 30 days by which he should have shown reason because for the Court to grant condonation for deposit of 20% amount of the cheque-compensation has also ended on 30.10.2024 and thereafter 30 days ended on 29.9.2024 and on that account further period cannot be granted to him.

No doubt that the Statute has stipulated the abovesaid period but exercising the discretionary powers wherein jurisdiction of this Court has been invoked under Section 528 of BNSS, 2023 by pleading on behalf of the petitioner that due to ill-health of her parents, he could not able to pay the said amount, which comes to the tune of around Rs.2,50,000/-.

Without adjudicating further into the merits of the case having heard the learned counsel for the parties, this Court deems it appropriate to meet the ends of justice and in order to do the substantial justice, condones the said delay and allows the prayer directing the lower appellate Court to permit the petitioner to deposit the necessary 20% of the cheque-compensation amount within a period of 30 days i.e. upto 20.4.2025.

Coming to the second prayer where the prayer for quashing of order dated 16.1.2025 (Annexure P-3), whereby after granting him four effective opportunities to deposit 20% of compensation-cheque amount, the application for personal exemption was declined and her bail bonds were cancelled alongwith surety bonds forfeited to the State.

In the light of above undertaking as recorded hereinabove in the earlier part of this order, the said order dated 16.1.2025 is, hereby, set-aside in the light of statement made by the learned counsel for the petitioner that he will surrender to the trial Court within a period of one month i.e. on the date

when he will be depositing the amount in question and facilitate furtherance of trial proceedings without any default in future.

In case any application seeking regular bail is moved, the same may be considered in accordance with law expeditiously preferably on that very day.

Disposed of in the aforesaid terms.

March 21, 2025
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(SANDEEP MOUDGIL)
JUDGE

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