



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

CRM-M-59702-2023

Date of Decision: **30.01.2025**

Mahender Singh

...Petitioner

Versus

The Fatehabad District Primary Co-operative Agricultural and Rural
Development Bank Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Khatkar, Advocate
for the petitioner.

Mr. Naman Jain, Advocate
for the respondent-Bank.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition has been filed under Section 482 Cr.PC seeking quashing of order dated 06.06.2023 (Annexure P-3) passed by the Ld. Sessions Judge, Fatehabad whereby bail of the petitioner was cancelled and surety bonds were forfeited to the State and warrant of arrest has been issued in a complaint case filed under Section 138 of the Negotiable Instruments Act, 1881.

2. On 28.11.2023, the following order was passed by the co-ordinate Bench:-

“Learned counsel for the petitioner submitted that the bail bonds and surety bonds of the petitioner were cancelled and warrant of arrest has been issued against him vide order dated 06.06.2023 (Annexure P-3) as he could not appear before the learned Appellate Court because of acute floods and he being a poor person was saving his land and family. He further submitted

that tomorrow is the date fixed before the learned Appellate Court and the petitioner now undertakes to appear and surrender before the learned Appellate Court tomorrow.

Notice of motion.

Mr. Naman Jain, Advocate, accepts notice on behalf of the respondent.

In view of the aforesaid factual position as stated by learned counsel for the petitioner and also undertaking given by learned counsel for the petitioner on behalf of the petitioner, the petitioner is directed to surrender before the learned Appellate Court on the next date of hearing, which is stated to be tomorrow. Till the time the petitioner surrenders before the learned Appellate Court, no coercive steps shall be taken against him. In case the petitioner surrenders tomorrow and files any application for grant of bail, then he shall be admitted to interim bail by the learned Appellate Court.

Adjourned to 21.03.2024.”

3. Learned counsel for the petitioner submits that in compliance of the above mentioned order, the petitioner has surrendered before the learned lower Appellate Court and he has been granted concession of suspension of sentence in terms of the order passed by this Court. He further submits that the petitioner undertakes to appear before the lower Appellate Court regularly and will not delay the disposal of the appeal in any manner.

4. Learned counsel for the respondent opposes the prayer made by the petitioner and submits that the petitioner has already failed to pay 20% of the compensation amount in view of the amendment carried out in Section 148 of the Negotiable Instruments Act, 1881.

5. I have heard the learned counsel for the parties and perused the case file thoroughly.

6. Keeping in view the fact that the petitioner has already surrendered before the learned lower Appellate Court, the order dated 28.11.2023 is hereby made absolute. The concerned lower Appellate Court is directed to decide the issue for payment of 20% of the compensation amount strictly in terms of the judgment passed by the Hon'ble Apex Court in **Criminal Appeal Nos.2741 of 2023 (@ SLP(Crl.) Nos. 4927 of 2023 *Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. and others***, decided on 04.09.2023 and ***Muskan Enterprises and another Vs. The State of Punjab and another, Criminal Appeal No.5491 of 2024***, arising out of ***SLP (Crl.) No.8072 of 2024***, decided on 19.12.2024.

7. Accordingly, the present petition stands disposed of.

30.01.2025

Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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