



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

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CRM-M-53599-2025

Om Parkash

...Petitioner

VERSUS

State of Haryana and Anr

...Respondents

**Date of Decision : 23.09.2025****CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. Dheeraj Narula, Advocate  
for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

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**AARADHNA SAWHNEY, J. (ORAL)**

By virtue of present petition, the petitioner, a convict in criminal Complaint No.NACT-204 dated 06.07.2028 titled as Udami Ram vs. Om Parkash, has prayed for quashing of order dated 27.02.2025 (Annexure P.3) passed by the learned Addl. Sessions Judge, Sirsa vide which his (petitioner) was cancelled. His bail bonds and surety bonds were forfeited to the State and NBW of the petitioner were issued.

2. While mentioning backdrop of the case, learned counsel for the petitioner submits that the complainant-respondent No.2 instituted a complaint under Section 138 of the Negotiable Instruments Act, 1881 (for brevity "the Act") against the present petitioner on absolutely frivolous grounds. Nonetheless, the



petitioner faced the trial and was convicted for commission of offence under Section 138 of the Act vide judgment dated 08.09.2023.

3. Vide order of quantum of sentence dated 11.09.2023, he was sentenced to undergo simple imprisonment for a period of one year and to pay fine of Rs.6,50,000/-. Immediately thereafter, an appeal was filed assailing the said order of conviction and the said order of sentence. Learned First Appellate Court suspended the sentence on the following ground:

*“(i) The appellant/convict is admitted to bail on furnishing bail bonds in the sum of Rs.1,25,000/- with one surety in the like amount.*

*(ii) The substantive sentence of the appellant convict shall remain suspended subject to the condition that he shall deposit 20% of the compensation amount awarded by the learned trial court within 60 days as per provision contained in Section 148 of the Negotiable Instruments Act, failing which the order of suspension of sentence shall be deemed to be vacated in view of the law laid down by the **Hon’ble Supreme Court in Surinder Singh Deswal @ Col. S.S. Deswal & Ors Vs. Virender Gandhi and another 2020 (1) SCC (Crl.) 506: Law Finder Doc ID 161882.** Intimation be sent to the trial Court.”*

Admittedly, the petitioner was not able to deposit 20% of the compensation amount on account of acute financial crunch. On the day in question i.e 27.02.2025, it was on account of unavoidable circumstances that the petitioner could not appear in the Court though he informed his counsel but no application for exemption was moved. Resultantly, impugned order was passed.

4. During the course of submission, learned counsel for the petitioner contends that the petitioner is willing to surrender before the court concerned and is ready to pay some amount of compensation. Moreover, the primary purpose of issuing a non-bailable warrant is to secure the appearance of the accused, especially when they fail to appear after being served a summons or if they are



likely to abscond. Courts issue NBWs as a last resort, after first attempting to secure attendance through summons and bailable warrants.

In view of the above facts and circumstances of the present case, the impugned order 27.02.2025 (Annexure P.3) passed by the learned Addl. Sessions Judge, Sirsa, is set aside.

5. In view of the facts mentioned hereinabove, the present petition is disposed of with a direction to the petitioner to appear before the Court concerned within a period of 3 weeks. He shall also furnish fresh bail bonds/surety bonds to the satisfaction of the trial Court. In the event of his depositing a sum of Rs.50,000/- for payment to the complainant, the learned Addl. Sessions Judge, Sirsa shall accept bail bonds and surety bonds of the petitioner and take a lenient view. In case, the petitioner fails to deposit the said amount, the Appellate Court shall take recourse to any appropriate action, as per law.

Besides, petitioner would also submit specific undertaking/affidavit that he will keep appearing during the proceedings of the trial in future and the proceedings would not be delayed because of his conduct.

(AARADHNA SAWHNEY)  
JUDGE

23.09.2025  
manoj

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |