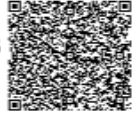
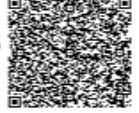
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****101****CRM-M-6250-2025****Date of Decision: 17.02.2025****Vikash Kumar****.....Petitioner****Vs.****Pardeep & another****.....Respondents****CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA************Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.****Ms. Trishanjali Sharma, DAG, Punjab.*************ANOOP CHITKARA J. (ORAL)****1. On 03.02.2025, this Court had passed the following order:-**

“The matter was heard. However, it transpired that vide order dated 31.07.2023/01.08.2023 passed by the trial Court, the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year under Section 138 of Negotiable Instruments Act, 1881. The petitioner was also directed to pay compensation to the complainant of an amount of Rs.6.00 Lakh under Section 357(3) CrPC. On the same day, the petitioner moved an application for releasing him on bail for enabling him to file an appeal against the judgment dated 31.07.2023 and order of sentence dated 01.08.2023. The said application was allowed and under Section 389(3) CrPC the petitioner was admitted to bail on his furnishing personal bonds in the sum of Rs.50,000/- with one surety in the like amount for enabling him to file an appeal against the judgment of conviction and order of sentence. Thereafter, an appeal was filed by the petitioner before the Appellate Court



against the judgment and order of sentence passed by the trial Court.

Vide order dated 31.08.2023 passed by the Appellate Court the sentence of the petitioner was suspended with a condition that 20% of the compensation amount awarded by the trial Court be deposited by the petitioner before the trial Court within 60 days. Thereafter, on three occasions, application(s) for exemption from personal appearance was filed by the petitioner on each date, which was allowed by the Appellate Court. On 06.11.2023, the matter was compromised between the petitioner and one Mange Ram (father of the complainant) and the case was adjourned to 05.12.2023 for making payment. However, on 05.12.2023 the petitioner did not appear before the Court for making payment in lieu of compromise. As such, his bail was cancelled, bail bonds were forfeited in favour of the State and warrants of arrest were issued against the petitioner. In pursuance to warrants of arrest, on 21.03.2024 the petitioner was produced before the trial Court and was taken into custody and the case was adjourned to 16.04.2024 for payment. Thereafter, vide order dated 03.04.2024 the petitioner was granted bail. On 04.04.2024, an application was moved by the petitioner for furnishing bail bonds, which was allowed and the petitioner was released on bail and the case was fixed for 16.04.2024 for making the payment of 20% of the compensation amount within two months from 03.04.2024. Thereafter, on various occasions either the case was adjourned on request of learned counsel for the petitioner or application for exemption from personal appearance was moved on his behalf but the payment was not made. On 18.10.2024, an application for exemption from personal appearance was filed which was dismissed on the ground that neither he had paid 20% amount of compensation as per order dated 31.08.2023 nor he had complied with his statement qua the compromise and his bail was cancelled and warrants of arrest was again issued against him. It was also observed that the petitioner was intentionally avoiding to appear in the Court and does not intend to deposit the amount.



Instead of depositing 20% amount of compensation before the trial Court, the petitioner has challenged the said order before this Court by filing the present petition.

Given above, let the petitioner explain his stand about 20% of the compensation amount by the next date of hearing.

List on 13.02.2025.”

2. Counsel for the petitioner submits that he has prepared a demand draft of 20% amount and undertakes to deposit the same as early as possible and he seeks two days' time to do so.

3. I have gone through the record. Perusing of the same reflects that petitioner choose to file anticipatory bail against the order of issuance of non-bailable warrants which were issued for non-deposit of 20% of compensation amount primarily and petitioner's absence was only to delay that payment.

4. Since, the petitioner is ready with the draft of compensation amount, as such, petitioner is permitted to deposit the compensation amount on or before 28.02.2025 before the Appellate Court, and petitioner is directed to surrender before the Appellate Court on or before 28.02.2025. Once petitioner surrenders and deposits 20% compensation amount, Appellate Court shall release the petitioner on the same day on furnishing usual bail bonds to its satisfaction. In case of failure of petitioner in payment and surrender within stipulated period, this order shall stand recalled automatically on 01.03.2025 without any further reference in this Court.

5. With the aforesaid observation, petition stands allowed. All the pending application(s), if any, stand disposed of.

February 17, 2025

Nisha-I

(ANOOP CHITKARA)

JUDGE

Whether Speaking Yes/No
Whether reportable Yes/No