



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMMO No. 102 of 2026
Decided on: 13.02.2026

Dalip Kumar

...Petitioner.

Versus

M/s Shree Sai Iron and Steel Store & Anr.

..Respondents.

Coram

Hon'ble Mr. Justice Romesh Verma, Vacation Judge.

*Whether approved for reporting?*¹

For the petitioner:

Mr. Praveen Sharma, Advocate.

For the respondent No. 2:

Mr. L.N. Sharma, Additional
Advocate General.

Romesh Verma, Judge (Oral)

By way of instant petition, filed under Section 528 of BNSS, 2023 read with Section 148 of the NI Act and 389 of BNSS Act, a very innocuous prayer has been made by the petitioner for grant of further one month time to deposit Rs.2,60,000/- in terms of order dated 22.09.2025 passed by learned Additional Sessions Judge, Palampur, District Kangra, H.P. whereby substantive sentence imposed by learned trial court was stayed subject to furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of learned trial Court within a period of 30 days alongwith deposit of 20% of the compensation amount as per Section 148(2) of the Negotiable Instruments Act.



2. Notice. Mr. L.N. Sharma, learned Additional Advocate General appears and waives notice on behalf of the respondent No. 2-State.

3. Having regard to the nature of order proposed to be passed in the instant case, this court sees no necessity to issue notice to respondent No.1, as in that event, he shall be burdened with expenses to engage a counsel to defend him in the instant proceedings, which can be disposed of today itself, as such, same is dispensed with.

4. Having heard learned counsel for the petitioner, this court finds that being aggrieved and dissatisfied with judgment of conviction and order of sentence dated 02.09.2025 passed by learned Additional Chief Judicial Magistrate, Palampur, District Kangra, H.P. in **case Registration No. 253 of 2017**, the present petitioner preferred an appeal before learned Additional Sessions Judge, Palampur, District Kangra, H.P. Alongwith said appeal, he also preferred an application bearing No. Cr.M.A. No. 923 of 2025 for suspension of sentence. Vide order dated 22.09.2025, learned Additional Sessions Judge, Palampur, District Kangra, H.P. suspended substantive sentence imposed by learned trial Court subject to furnishing personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of learned trial Court within a period of 30 days alongwith



deposition of 20% of the compensation amount as per Section 148(2) of the Negotiable Instruments Act.

5. However, fact remains that despite repeated opportunities, accused/petitioner failed to deposit 20% of the compensation amount i.e. Rs.2,60,000/-. It has come on record especially in the order as passed by the learned Additional Sessions Judge, Palampur, District Kangra, H.P. on 23.01.2026 that despite granting sufficient time for furnishing personal and surety bond as well as deposit of 20% of the cheque amount, the present petitioner has failed to comply with the order of the Appellate Court dated 22.09.2025. In the aforesaid background, petitioner has approached this court in the instant proceedings, praying therein for extension of time.

6. Since the learned Additional Sessions Judge, Palampur, District Kangra, H.P. in his order dated 23.01.2026 has ordered that 20% of the cheque amount has not been deposited and copy of the order was transmitted to the trial Court for taking necessary action as per the law, therefore, the petitioner is apprehending that on account of judgment of conviction and order of sentence and on account of non-compliance of the order dated 22.09.2025 as passed by learned Additional Sessions Judge, Palampur, District Kangra, H.P., he may be arrested.



7. In view of above, this court without going into the merits of the case, this Court permits the petitioner to place on record the photocopy of the Demand Draft amounting to Rs.2,70,000/- (Annexure P-4) and the same is taken on record and it is ordered that the petitioner shall appear before the learned trial Court on **13.03.2026** and shall deposit the original of the Demand Draft before the learned trial Court. Therefore, the time is extended for complying the order dated 22.09.2025 passed by learned learned Additional Sessions Judge, Palampur, District Kangra, H.P. for one month.
8. It is made clear that on or before 13.03.2026, no coercive action shall be taken against the petitioner in terms of the judgment conviction and order of sentence as recorded by learned trial Court.
9. It is further informed by learned counsel for the petitioner that the petitioner has also not furnished the personal and surety bond(s) as per the order passed by the learned Additional Sessions Judge, Palampur, District Kangra, H.P., dated 22.09.2025. He undertakes that the said compliance shall also be made by him on 13.03.2026.



Accordingly, the present petition stands disposed of
in the aforesaid terms, alongwith all pending applications.

(Romesh Verma)
Vacation Judge

February 13, 2026
(Vriti)