

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRR-1799 of 2026(O&M)
Date of Decision: 27.07.2026

SURINDER KUMAR

....Petitioner

VERSUS

SUBHASH CHAND

....Respondent(s)

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present : Mr. Tarun Sharma, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

1. The present petition has been filed raising challenge to the order dated 20.03.2026 passed by learned Additional Sessions Judge, Kurukshetra, whereby while admitting the appeal and granting the suspension of sentence, the following order had been passed:-

“Arguments on the said application heard. The present appeal is not likely to be heard in near future and will take some time to ripe and be decided. For the reasons mentioned in the application under Section 430 B.N.S.S., the same is, hereby, allowed and sentence imposed on the appellant/convict is ordered to be suspended till the final decision of the appeal and he is ordered to be released on bail, subject to his furnishing bail bond in the sum of ₹70,000/- with one surety in the like amount to the satisfaction of learned Trial court within Ten (10) working days. He is directed to deposit 20% of the compensation amount within a period of 60 days from today as per Section 148 of Negotiable Instruments Act, failing which his bail shall be liable to be cancelled.”

2. Learned counsel for the petitioner submits that the petitioner is aggrieved by the directions of the learned trial Court to deposit 20% of the

compensation amount within 60 days and there is no reason for the learned trial Court to have directed the same, however, on a specific query put to learned counsel for the petitioner as to whether any application was filed by the petitioner seeking waiver of pre-deposit amount which could have been adjudicated in light of judgment passed by Hon’ble Apex Court in the case titled as ‘*Muskan Enterprises and Anr. vs State of Punjab and Anr.*’, **2024 INSC 1046**, learned counsel for the petitioner could not demonstrate the same.

3. In view of the above, the present petition is disposed of at this stage, with liberty to the petitioner to move an appropriate application before the learned trial Court seeking waiver of the pre-deposit amount. In the event such an application is filed, the same shall be decided by the learned trial Court in accordance with law, after affording an opportunity of hearing to the other side, who shall be at liberty to raise all objections available, in accordance with law.

4. It is, however, made clear that the present order shall not be construed as condoning any delay, in the event such an objection is raised by the other side.

5. Pending application(s), if any, also stands disposed of.

27.07.2026
Deepak Patwal

(ALOK JAIN)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |