

127 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20918-2024
Date of Decision: 26.04.2024

Ekta DhingraPetitioner

Versus

Sanjeev Chugh and anotherRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioner.

Mr. Aditya Jain, Advocate,
for respondent No.1.

Mr. Chetan Sharma, DAG, Haryana.

HARKESH MANUJA, J.(Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing the order dated 23.02.2024 (Annexure P-1), whereby while passing order of suspension of sentence and release of the petitioner, subject to furnishing of her bail bonds and surety bonds, she was directed to deposit 20% of the compensation amount.

2. Learned counsel for the petitioner submits that at this stage, the petitioner is not financially stable to deposit 20% of the compensation amount as she has already paid an amount of Rs.45,00,000/-, besides it, she has to look after his two minor children aged about 15 and 12 as well as her mother-in-law.

Learned counsel while relying upon decision made by the Hon’ble Supreme Court in “Jamboo Bhandari vs. M.P. State Industrial

Development Corporation Ltd. and others”, 2023(10)SCC 446, submits

that in exceptional circumstances, the deposit as contemplated under Section 148 of the Negotiable Instruments Act, 1881 can be reduced. Relevant para 7 of the **Jamboo Bhandari’s** case (supra) is reproduced as under:-

“7. Therefore, when Appellate Court considers the prayer under Section 389 of the Cr.P.C. of an accused who has been convicted for offence under Section 138 of the N.I. Act, it is always open for the Appellate Court to consider whether it is an exceptional case which warrants grant of suspension of sentence without imposing the condition of deposit of 20% of the fine/compensation amount. As stated earlier, if the Appellate Court comes to the conclusion that it is an exceptional case, the reasons for coming to the said conclusion must be recorded.”

3. Learned counsel representing respondent No.1-complainant submits that the petitioner is having sufficient source through different businesses run by her, however, for no valid reasons, avoiding the deposit.

4. Having heard learned counsel for the petitioner and considering the facts and circumstances of the present case, the order dated 23.02.2024 is modified to the extent that the petitioner shall deposit 10% towards the amount of compensation before the First Appellate Court within a period of 15 days from today, which shall be released to respondent No.1-complainant. As regards the remaining amount towards compensation, the petitioner shall be at liberty to approach the first Appellate Court pointing out her exceptional case in her favour and the same shall be considered and decided by the concerned Court while considering the exposition of law laid down in **Jamboo Bhandari’s** case (supra).

5. Accordingly, the petition stands disposed of.

26.04.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no

Whether reportable? yes/no