



CRM-M-28036-2024 (O&M)

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

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**CRM-M-28036-2024 (O&M)
Date of Decision : July 09, 2024**

M/S BAJAJ INDUSTRIES AND ANOTHER**-PETITIONERS****V/S****PUNJAB AGRO FOOD GRAINS CORPORATION LIMITED****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Nakul Sharma, Advocate
for the petitioner(s).

Mr. Anupam Singla, Advocate
for the respondent.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner(s) assails the order dated 20.10.2023 (Annexure P-1), whereby, although the learned Additional Sessions Judge concerned ordered his release on bail and suspended his sentence, however, the said concession was extended subject to him furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount, besides depositing 20% of the compensation amount, within 60 days therefrom, before the learned trial Court concerned.

2. As a matter of fact, the learned trial Court concerned has, through drawing the verdict of conviction and order of sentence dated 25.09.2023, upon case bearing No. NACT 556/2018, convicted the petitioner(s) for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act'),

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and, sentenced him to undergo R.I. for a period of two years and to pay compensation to the complainant to the tune of cheque amount along with interest @ 9% P.A. from the date of issuance of cheque till the passing of said verdict.

3. The verdict of conviction and order of sentence (supra) caused pain to the petitioner(s) and triggered him to institute a statutory appeal thereagainst before the learned appellate court concerned, which is pending consideration. However, the learned appellate court concerned has, through the impugned order dated 20.10.2023 (Annexure P-1), although ordered release of the petitioner(s) on bail and suspended his sentence, however, the said concession was extended subject to him furnishing bail bonds in the sum of Rs.50,000/- with one surety in the like amount, besides depositing 20% of the compensation amount, within 60 days therefrom, before the learned trial Court concerned. Feeling aggrieved by this impugned order, the petitioner has now approached this Court, through the instant petition.

4. The learned counsel for the petitioner(s), in his assailing the impugned order dated 20.10.2023 (Annexure P-1), submits that the case of the petitioner(s) falls in “exceptional category”, inasmuch as, he does not have any means to make payment of even 20% of the awarded compensation amount.

5. To buttress his submission, the learned counsel for the petitioner(s) has placed reliance upon the judgment rendered by the Hon’ble Supreme Court in “***Jamboo Bhandari V/s M.P. State Industrial Development Corporation Ltd. & Ors.***”, 2023(3) Law Herald (SC) 2433.

6. On a specific query being posed by this Court, vis-a-vis,

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“whether the petitioner(s) has, or, has not, made an application before the learned appellate court concerned till date, thereby bringing the aforesaid facts on record”, the learned counsel for the petitioner(s) returned an answer in negative.

7. In such circumstances, this Court, at this stage, refrains from making any interference in the matter and deems it appropriate to relegate the petitioner(s) to the learned appellate court concerned, by making an appropriate motion. In case, the petitioner(s) falls within “exceptional category”, as per the law laid down by the Hon’ble Supreme Court in this regard, thereupon the learned appellate court concerned shall make a decision on the application, if any preferred by the petitioner(s), as per law.

8. Disposed of accordingly.

9. Pending application(s), if any, also stand disposed of accordingly.

July 09, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No