

2024:PHHC:079290



143 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28802-2024

Date of Decision: 31.05.2024

Rayjot Singh

.....Petitioner

Versus

Paramjit Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vaibhav Sehgal, Advocate,
for the petitioner.

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 28.03.2024 passed by the Court of Additional Sessions Judge, Ludhiana (Annexure P-4), whereby a condition was imposed upon the petitioner to deposit 20% of the compensation amount and in case, the same is not complied with then bail order shall be cancelled and convict shall be taken into custody.

2. Learned counsel for the petitioner submits that at this stage, the petitioner is not financially stable to deposit 20% of the compensation amount.

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. Having heard learned counsel for the petitioner and considering the facts and circumstances of the present case, the order dated 28.03.2024 is modified to the extent that the petitioner shall deposit 5% of the amount of compensation before the First Appellate Court within a period of two weeks from today, which shall be released to respondent-complainant. As regards the remaining amount towards compensation, the petitioner shall be at liberty to approach the first Appellate Court by way of an application within the aforesaid two weeks pointing out exceptional case in his favour and the same shall be considered and decided by the concerned Court within 15 days thereafter, while considering the exposition of law laid down in **Jamboo Bhandari’s** case (supra).

4. Accordingly, the petition stands disposed of.

31.05.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no
Whether reportable? yes/no