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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.35477 of 2024 (O&M)
Date of Decision: 12.08.2024

M/s. B.R.G. Liquours and Others

...Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioners.

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

Criminal Appeal	217 of 2024
No.	CNR No.PBFZC000-3423-2024
	Pending before Addl. Sessions Judge, Fazilka for 03.09.2024.

Seeking quashing of order dated 02.07.2024 passed by learned Additional Sessions Judge, Fazilka in above cited criminal appeal to the extent of deposit of 20% of the compensation amount, the petitioners had come up before this Court under section 528, BNSS, 2023.

2. The petitioners-Sarjiwan Kumar and Jagroop Singh Dhaliwal have handed over their respective affidavits to this Court whereby photocopy of the same have been retained by this Court and original have been handed over to the State counsel.

3. A perusal of the affidavit reveals that they hardly have any liquid cash. Although petitioner No.5-Sarjiwan Kumar has vehicle worth Rs. 15.00 lacs but the counsel submits that this amount is not its market value and the same has been depreciated to much lesser amount. On the other hand, value of car of petitioner No.4-Jagroop Singh Dhaliwal is Rs.2.00 lacs.

4. After going through the affidavits so filed, it deems appropriate that instead of granting suspension of sentence subject to deposit of 20% of amount which is Rs.20.00

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lacs each for both of them, in the larger interest of equity and justice and fair play and considering that their financial capacity in the exceptional circumstances, this Court requests Sessions Court concerned to take up the appeal for final hearing on priority basis.

5. On this, State counsel submits that this order should be subject to conditions that the petitioners shall not seek any adjournment, in case they do so, order for expediting the hearing shall stand recalled automatically without any reference to this Court.

6. Since the compensation is Rs. 2.00 Crores and 20% of this amount would make total amount of Rs.40.00 lacs for both of them and also the petitioners have no money to pay the amount, this Court, in the larger interest of equity and fair play, requests the appellate Court that the appeal be heard and decided on priority basis. This order shall further subject to condition that both the petitioners shall deposit a sum of Rs.2.00 lacs each towards compensation in terms of impugned order, within a period of one week from today.

7. In the entirety of facts and circumstances, the present petition is disposed of with a request to appellate Court to take up appeal for final hearing and make all efforts to decide the same by 30.12.2024 and deposit 20% of the amount of compensation is reduced to Rs.2.00 lacs each subject to the condition that petitioners shall not seeks any adjournment before the appellate Court and in case they do so, this order shall stand recalled automatically without any reference to this Court.

Petition stands disposed of with the aforesaid modification in the impugned order. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

12.08.2024

Sonia Puri

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No.