

120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60622-2023

Date of Decision: 12.01.2024

Gurbaz Singh @ Gurbaj Singh

.....Petitioner

Versus

Dalwinder Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJAPresent: Mr. Rajinder Singh Bhatta, Advocate,
for the petitioner.Mr. Shubham Kaushik, AAG, Punjab,
for respondent No.2-State.

HARKESH MANUJA, J.(Oral)

1. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for quashing of order dated 25.09.2023 (Annexure P-3), whereby while passing order of suspension of sentence and release of the petitioner, subject to furnishing of his bail bonds and surety bonds, he was directed to deposit 20% of the compensation amount within a period of 60 days.

2. Learned counsel for the petitioner submits that the petitioner happens to be a poor man and being a vegetable vendor, he does not have the financial capacity 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 financial status, besides while relying upon observation made in **Jamboo Bhandari's** case (supra), the order dated 25.09.2023 is modified only to the extent that the petitioner shall deposit 10% of the amount of compensation before the First Appellate Court within a period of 30 days from today.

4. Accordingly, the petition stands disposed of.

12.01.2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: yes/no

Whether reportable? yes/no