

2024:PHHC:017295

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH  
\*\*\*\*

281 CRM-M-62969-2023  
Date of Decision.:07.02.2024

Kulwinder Kaur Petitioner  
Vs.  
State of Punjab and Another Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Inderjeet Sharma, Advocate  
for the petitioner.  
  
Mr. Amit Rana, Senior DAG, Punjab.

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**DEEPAK GUPTA, J. (ORAL)**

Notice issued to respondent No.2- complainant received back served through his wife, as reported by the registry which is valid service in the eyes of law. However, there is no representation on behalf of respondent No.2.

On 14.12.2023, following order was passed by this Court:-

*“Learned counsel for the petitioner has relied upon “Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. & Ors.”, [Criminal Appeal No.2741 of 2023 (SLP No.4927 of 2023)], decided on 04.09.2023, so as to contend that poor financial condition of the petitioner was not taken into consideration by the learned Appellate Court, while ordering to pay 20% of the cheque amount at the time of granting suspension of sentence by way of impugned order dated 06.10.2023 (Annexure P-5).*

*Learned counsel contends that first husband of the petitioner had expired in the year 2010. Petitioner then re-married with on Amrit Singh in the year 2012, but he is also not living with the petitioner. One son of the petitioner is studying in the Govt. School and is totally dependent upon her. Petitioner is serving as a maid servant and sustaining her life by way of*

*household work and that the Appellate Court was required to look into the poor financial condition of the petitioner.*

*Learned counsel contends further that as observed by the Hon’ble Supreme Court in Jamboo Bhandari ‘s case (supra), the issuing of direction to pay 20% of the cheque amount is not absolute and that exceptional circumstances can be made out.*

*Notice of motion for 07.02.2024.*

*In the meantime, operation of the impugned order shall remain stayed till the next date of hearing.”*

Having considered submissions of learned counsel for the petitioner, this petition is hereby disposed of by setting aside the impugned order dated 06.10.2023 with the direction to the concerned Appellate Court to pass a fresh order in the light of the legal position explained by Hon’ble Supreme Court in ***Jamboo Bhandari’s case (supra).***

( DEEPAK GUPTA )  
JUDGE

**February 07, 2024**  
Neetika Tuteja

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |