



CRM-M-60150-2024

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

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CRM-M-60150-2024

Date of Decision : December 02, 2024

JAGSIR SINGH**-PETITIONER****V/S****DALWINDER SINGH****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Raghav Goyal Chandiwal, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner assails the order dated 23.10.2024 (Annexure P-2), whereby, although the learned Additional Sessions Judge concerned has ordered his release on bail and suspended his sentence, however, the said concession has been extended subject to him furnishing bail bonds and surety bonds, 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 25.09.2024, upon case bearing CIS No. NACT-107/2019, convicted the petitioner for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred to as the 'N.I. Act'), and, sentenced him to undergo R.I. for a period of one year and to pay compensation to the tune of cheque amount i.e. ₹ 20,00,000/-.

3. The verdict of conviction and order of sentence (supra) caused



pain to the petitioner 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 drawing the impugned order dated 23.10.2024 (Annexure P-2), although ordered release of the petitioner on bail and suspended his sentence, however, the said concession has been extended subject to him furnishing bail bonds and surety bonds, besides depositing 20% of the compensation amount, within 60 days therefrom, before the learned trial Court concerned. Feeling aggrieved by the impugned order, the petitioner has now approached this Court, through the instant petition.

4. The learned counsel for the petitioner, in his assailing the impugned order dated 23.10.2024 (Annexure P-2), submits that the case of the petitioner 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 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, “*whether the petitioner 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 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 to the learned appellate court concerned, by making an appropriate motion. In case, the petitioner 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.

December 02, 2024
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(KULDEEP TIWARI)
JUDGE

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