



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

CRM-M-6617-2025

Date of Decision:06.02.2025

Iqbal Singh

...Petitioner

VS.

M/s Harjeet Singh Raghuvansh Singh Commission Agents

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Ms. Himani Anand, Advocate with
Ms. Vandana Bhatia, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to quash the impugned order dated 08.09.2023 (Annexure P-4) passed by the Court of Additional Sessions Judge, Kurukshetra, in CRA-272-2023 titled as "Iqbal Singh Vs. M/s Harjeet Singh", whereby the present petitioner had been directed to deposit the 20% of the compensation amount awarded by the trial Court. A further prayer has been made to quash the order dated 14.11.2024 (Annexure P-7) passed by the Court of Additional Sessions Judge, Kurukshetra, whereby the application for dispensing with 20% of the compensation amount was ordered to be dismissed.

2. Learned counsel for the petitioner contends that the petitioner was tried for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and was ordered to be convicted on 10.08.2023 (Annexure P-2). He was also sentenced to undergo simple imprisonment for

a period of two years and to pay a compensation to the tune of double of cheque amount to the complainant. Challenging the validity of the judgment passed by the trial Court, the petitioner had filed a CRA-272-2023 titled as “Iqbal Saini Vs. M/s Harjeet Singh” before the Court of Additional Sessions Judge, Kurukshetra and the Appellate Court had suspended the sentence imposed on the petitioner/appellant, till the disposal of the appeal. He was ordered to be released on bail, subject to furnishing of bail bonds in the sum of Rs.50,000/-, with one surety in the like amount, within a period of one month to the satisfaction of the learned trial Court/Duty Magistrate alongwith imposing another condition of paying 20% of the compensation amount, within a period of 60 days, in view of Section 148(1) of the Negotiable Instruments (Amendment) Act, 2018.

3. On advance notice, Mr. Jarnail Singh Saneta, Advocate has appeared on behalf of the respondent, by filing his Power of Attorney and the same is taken on record.

4. I have heard learned counsel for the parties and perused the record carefully.

5. Learned counsel for the parties have agreed that the condition of 20% of the compensation awarded by the trial Court may be set aside. Still further prayed that since the appeal is pending since long, appropriate directions may kindly be issued to the Appellate Court to decide the appeal within a certain stipulated time period.

6. In view of the submissions made by learned counsel for the parties, the impugned order dated 08.09.2023 (Annexure P-4) and order dated 14.11.2024 (Annexure P-7) passed by the Court of Additional Sessions Judge,

Kurukshetra are set aside and the petitioner shall be exempted from depositing 20% of the amount of compensation during the pendency of the appeal, before the Appellate Court. However, it is clarified that this Court has not considered the merits of the case and the present order is being passed only with the consent and joint request of both the parties.

7. Since the complaint was initially filed in the year 2018 and a period of 7 years has lapsed, after the institution of the complaint, the Appellate Court is directed to decide the appeal within a period of 04 months from the next date of hearing fixed before it. It is also observed that the petitioner as well as the respondent shall not pray for an adjournments on frivolous ground.

8. Disposed of with the above directions.

06.02.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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