



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

CRM-M-8467-2025
DECIDED ON: 14.02.2025

KARNAIL SINGH

.....PETITIONER

VERSUS

GURJEET SINGH AND ANOTHER

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr.HPS Ghuman , Advocate for
for the petitioner.

Mr. Jaspal Guru, AAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 of BNSS,2023 seeking quashing of impugned order dated 16.12.2024 (Annexure P-2) passed by learned Additional Sessions Judge, Sangrur in Crl. Appeal No. 477 of 2024, dated 16.12.2024 whereby the petitioner has been asked to deposit 20% of the total amount of compensation awarded by the trial court vide judgement of conviction and order of sentence dated 19.11.2024 arising out of NACT No. 129/2014 dated 16.07.2014 within a period of 60 days from the date of passing the impugned order.

2. The learned counsel for the petitioner argues that the lower Appellate Court erred in failing to properly consider the facts and wrongly imposed a condition requiring the deposit of 20% of the compensation. This condition, according to the counsel, is illegal, arbitrary, and violates the legal principles



established by the Hon'ble Supreme Court in Criminal Appeal Nos. 2741 of 2023 (arising out of SLP(Crl.) Nos. 4927 of 2023, titled as Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. and others), decided on 04.09.2023 wherein it has been observed as under :

"6. What is held by this Court is that a purposive interpretation should be made of the 148 of the act. Hence, normally, Appellate Court will be justified in imposing the condition of deposit as provided in Section 148. However, in a case where the Appellate Court is satisfied that the condition of deposit of 20% will be unjust or imposing such a condition will amount to deprivation of the right of appeal of the appellant, exception can be made for the reasons specifically recorded

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 4 conclusion must be recorded."

3. After hearing the arguments of learned counsel for the petitioner and reviewing the judgment in Jamboo Bhandari (supra), it is evident that the lower Appellate Court was obligated to assess whether the current case falls under the exception. The impugned order dated 16.12.2024 (Annexure P-2), which imposed the condition of depositing 20% of the awarded compensation amount, is therefore set aside. The lower Appellate Court is directed to reconsider the case, allowing the petitioner the opportunity to present arguments on the exceptional circumstances, and to determine if the case warrants a waiver of the 20% deposit requirement as mandated by the trial Court.

4. The matter is hereby remanded to the learned lower Appellate Court with a direction to reconsider the case afresh, in accordance with the law, and in light of



the judgment delivered by the Hon'ble Supreme Court in the case of Jamboo Bhandari (supra).

- 5. The petition is disposed of accordingly
- 6. However, it is made clear that in case the Lower Appellate Court dismissed the application for waiver of the condition, the petitioner would be at liberty to approach this Court again on that cause of action.

14.02.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE

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