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

CRM-M-10464-2025

Date of decision: 25.02.2025

Raman Kumar Parnami

....Petitioner

Versus

Bipul Bedi

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pawanjit Singh Bindra, Senior Advocate (through V.C.) with
Mr. Girdhari Arora, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for setting aside the order dated 14.01.2025 (Annexure P-1) passed by the learned Additional Sessions Judge, Gurugram, in CRA-09-2024 titled as '*Raman Parnami Vs. Bipul Bedi*' vide which the application of the petitioner for exempting him to deposit 20% of the amount of compensation amount, is declined.

2. Brief facts of the case are that a complaint was filed by the respondent against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') on the ground of dishonouring of cheques bearing No.207544 and 207545 dated 03.06.2018 amounting to Rs.90,00,000/- each issued in favour of the complainant/respondent by the petitioner in discharge of his liability. Vide judgment of conviction dated 05.12.2023 and order of sentence dated 08.12.2023, the petitioner was convicted and sentenced to undergo simple imprisonment for a period of three months and was further directed to pay compensation to the tune of Rs.2,70,00,000/- within two months from the date of order. The petitioner has



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approached this Court by filing CRM-M-12342-2024 seeking quashing of the order dated 05.01.2024 (Annexure P-6) vide which he was directed to deposit 20% of the compensation amount. This Court vide order dated 11.03.2024 (Annexure P-8) has set aside the aforementioned order dated 05.01.2024 and remanded the case back to the lower Appellate Court and a direction was issued to re-examine the case in light of the judgment rendered by the Hon'ble Supreme Court in Criminal Appeal Nos.2741 of 2023 (@ SLP(Crl.) Nos. 4927 of 2023 *Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. and others.* After the order passed by this Court on 11.03.2024, the learned Additional Sessions Judge, Gurugram has passed the impugned order dated 14.01.2025.

3. Learned senior counsel for the petitioner refers to para 6 of the impugned order and submits that in spite of making specific averments with regard to the inability of the petitioner and the financial constraints he is facing to pay 20% of the compensation amount, the learned Appellate Court has recorded in para 6 of the impugned order dated 14.01.2025 (Annexure P-1) that no such exceptional circumstances have been projected during the course of arguments raised by counsel for the petitioner. He further submits that the petitioner is facing severe financial distress on account of financial hardships due to loss in business over the past several years. The petitioner is insolvent and not in a position to pay 20% of the compensation amount that comes out to be Rs.54 lakh. The bank account of the petitioner has been attached by the jurisdictional police authorities and as such, the petitioner is in a severe financial crunch. He is barely able to survive and it is difficult to even earn the



sufficient amount to carry out his day to day household expenditure.

4. Having heard learned counsel for the petitioner and after perusal of the record, it transpires that the petitioner has approached this Court second time seeking quashing of the order passed by the lower Appellate Court imposing condition to deposit 20% of the compensation amount as awarded by the learned trial Court vide order of sentence dated 08.12.2023 (Annexure P-5). On earlier occasion, this Court has set aside the impugned order imposing such condition and remanded the matter back to the learned lower Appellate Court and direction was issued to decide it afresh in terms of the judgment rendered by the Hon'ble Supreme Court in ***Jamboo Bhandari (supra)***. The relevant portion of the order passed by this Court is as follows:-

*'4. Having heard learned counsel for the petitioner and after perusing the judgment passed in **Jamboo Bhandari (supra)**, the lower Appellate Court was required to consider whether the present case falls in the exception or not. The impugned order dated 05.01.2024 (Annexure P-3), whereby, the condition of depositing 20% of compensation amount has been imposed for granting suspension of sentence is hereby set aside. The learned lower Appellate Court is directed to re-examine the case after granting an opportunity to the petitioner to make submissions regarding the exceptional circumstances and decide whether it is an appropriate case that warrants waiver of the requirement of deposit of 20% of the compensation awarded by learned trial Court.'*

The perusal of the impugned order does not indicate that the lower Appellate Court has decided the issue in terms of the judgment rendered by the Hon'ble Supreme Court in ***Jamboo Bhandari (supra)***. This Court has specifically directed the learned Appellate Court to re-examine the issue after granting an opportunity to the petitioner to make submissions regarding the exceptional circumstances and decide whether it is an appropriate case that



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warrants waiver of the requirement to deposit 20% of the compensation amount awarded by the learned trial Court.

5. In view of the peculiar facts and circumstances of the case, the impugned order dated 14.01.2025 (Annexure P-1) passed by the learned lower Appellate Court is hereby set aside. The petitioner is directed to file an appropriate application duly supported by material demonstrating his financial condition and his inability to pay 20% of the compensation amount.

6. The learned lower Appellate Court is directed to re-examine the case after granting an opportunity to the petitioner to make submissions regarding the exceptional circumstances and decide whether it is an appropriate case that warrants waiver of the requirement of deposit of 20% of the compensation awarded by learned trial Court.

7. The matter is remanded back to the learned lower Appellate Court with a direction to decide the matter afresh in accordance with law in the light of judgment passed by the Hon'ble Supreme Court in *Jamboo Bhandari's case (supra)* which is further reiterated by the Hon'ble Apex Court in 'Muskan Enterprise Vs. State of Punjab' 2024 SCC Online SC 4107.

8. The sentence of the petitioner shall remain suspended till the issue involved is decided by the learned lower Appellate Court.

9. The petition is disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

25.02.2025

Neha

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