

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

**256**

**CRR No.1162 of 2024 (O&M)  
Date of Decision: 11.11.2025**

**Narinder Jain @ Goga Jain**

**.....Petitioner**

**Versus**

**State of Haryana and another**

**..... Respondents**

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Mr. Amarjit Singh Virk, Advocate for the petitioner.

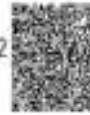
Mr. Vijay Kumar, AAG, Haryana.

Ms. Pallavi Babbar, Advocate for respondent No.2.

**SURYA PARTAP SINGH, J. (Oral):**

The present revision petition has been filed by the petitioner against the order dated 19.04.2024, passed by the learned Additional Sessions Judge, Kurukshetra (hereinafter referred to as 'Appellate Court'), whereby the application for suspension of sentence, moved by the petitioner, has been allowed and the sentence awarded to the petitioner has been suspended, subject to the condition of furnishing bonds. In addition to above, the petitioner has also been directed to deposit of 20% of the fine/compensation awarded by learned trial Court within 60 days.

2. The record reveals that the petitioner faced a trial in a complaint case titled as 'Urmila Devi Vs. Narinder Jain @ Goga Jain' for the commission of an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and the abovementioned trial culminated into conviction of the petitioner. The learned trial Court sentenced the petitioner



to undergo rigorous imprisonment for a period of one year for the commission of aforesaid offence, and also to pay compensation to the tune of Rs.4,00,000/-.

3. Aggrieved of the abovementioned order, when the petitioner filed an appeal in the learned Appellate Court, the learned Appellate Court by virtue of impugned order dated 19.04.2024, suspended the sentence awarded to the petitioner. However, it imposed a condition in view of Section 148 of the Negotiable Instruments (Amendment) Act, 2018 and directed the petitioner to deposit an amount equivalent to 20% of the amount of compensation within 60 days.

4. Heard.

5. The learned counsel for the petitioner contends that the learned Appellate Court, while imposing the abovementioned condition, did not give an opportunity to the petitioner to explain his hardship and that without giving an opportunity of being heard, the abovementioned harsh condition has been imposed. According to learned counsel for the petitioner, the learned Appellate Court has failed to appreciate that the learned trial Court has committed a grave error of judgment, when against a cheque amount of Rs.3,00,000/-, it directed to pay compensation of Rs.4,00,000/- which in no way, can be said to be justified.

6. While referring to the principles of law laid down by the Hon'ble Supreme Court in a case of '*Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. and others*', the learned counsel for the petitioner has contended that the learned Appellate Court was duty bound to give an opportunity to the petitioner to explain the



circumstances and pass a reasonable order with regard to deposit of compensation or any part thereof. According to learned counsel for the petitioner, since any opportunity of being heard has not been afforded to the petitioner, by the learned Appellate Court, the instant case may be remanded back to the learned Appellate Court for passing a fresh order after hearing the petitioner.

6. I have perused the record carefully.
7. A perusal of record shows that in this case, against the cheque amount of Rs.3,00,000/-, the compensation awarded by the learned trial Court is Rs.4,00,000/-. If the condition imposed by the learned Appellate Court, i.e. deposit of 20% of amount of compensation, is to be complied with, it may create hardship for the petitioner. In addition to above, it is also relevant to note that the abovesaid order has been passed without giving an opportunity of being heard to the petitioner.
8. In view of above, without commenting anything about the hardship of petitioner, the present petition is hereby accepted. The impugned order is set aside. The learned Appellate Court is directed to given an opportunity of being herd to the petitioner and pass fresh order, within three months, in the light of the law explained by the Hon’ble Supreme Court in *Jamboo Bhandari’s* case (*supra*).

(SURYA PARTAP SINGH)  
JUDGE

11.11.2025  
Manoj Bhutani

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |