



In the High Court for the States of Punjab and Haryana at
Chandigarh

207+138

CRM-M-26000-2025 (O&M)
Date of Decision:- 17.11.2025

Dipinder Singh Brar ... Petitioner

Versus

Arjun Singh Grewal and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Ashit Malik, Senior Advocate with
Mr. Maneet Kaushik, Advocate for the petitioner.

Mr. D.S. Mann, Advocate for respondent No.1.

Mr. Dhruv Dayal, Addl.P.P., U.T. Chandigarh,
for respondent No.2.

SUBHAS MEHLA, J. (Oral)

1. Present petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking quashing of order dated 16.04.2025 passed by learned Additional Sessions Judge, Chanidigarh in complaint No.7963, dated 22.10.2021 titled ‘Arjun Singh Grewal Vs. Dipinder Singh Brar’, vide which the petitioner has not been exempted from depositing 20% compensation amount as per order dated 27.09.2024 passed in CRA-289-2024.

2. The present complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as N.I. Act) was filed by the



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complainant on a dishonour of cheque No.000027 dated 03.07.2020, amounting to Rs.5 lakhs, allegedly issued by the petitioner in favour of respondent/complainant.

3. Vide judgment and order dated 30.08.2024 passed by learned Judicial Magistrate First Class, Chandigarh, the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of 01 year and to pay Rs.7 lakhs as compensation to the complainant. Thereafter, the petitioner preferred an appeal against the said judgment of conviction and order of sentence before the learned Additional Sessions Judge, Chandigarh. The learned Appellate Court vide order dated 27.09.2024, suspended the sentence of the petitioner and was directed to deposit 20% of the fine/compensation amount imposed by trial Court within a period of 60 days.

4. Learned counsel for the petitioner *inter alia* contends that the learned Appellate Court failed to appreciate the facts in the right perspective and imposed the condition to deposit 20% of the compensation.

5. Thus, learned counsel for the petitioner contends that petitioner is not able to deposit 20% fine/compensation as he is directed to be deposited under the impugned order dated 27.09.2024 inasmuch he is under severe financial distress and the petitioner prayed that petition be accepted.

6. Learned State counsel assisted with learned counsel for the complainant submits that the petitioner has neither prayed nor moved any specific application before the learned Additional Sessions Judge, who passed the impugned order and also had not argued that the present case is an



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exceptional case which warrants grant of suspension of sentence without imposing the condition of deposit of 20% of the fine/compensation amount.

7. This Court has heard learned counsel for the parties and perused the record.

8. Division Bench of this Court in the case of ***M/s Coromandel International Limited Vs. Shri Ambica Sales Corporation*** has held as under:

“76. Therefore, the simplest solution to all these issues is that whenever the deposits are expensive than the liberty, and the Appellate Courts are convinced that the convicts are not in a position to deposit and likely to forego their liberty even when the first appeal is yet to be decided, the Appellate Courts must make efforts to prioritize hearing appeals filed against the convictions under Section 148 NI Act and decide those preferably within sixty days of filing, and not later than ninety days, which clearly aligns with the legislators’ intentions. However, the time of sixty days should be extended to the extent to which the decision of the appeal is delayed because of the complainant.”

9. The contentions of learned counsel for the petitioner is that the petitioner is not able to deposit 20% of fine/compensation due to severe financial distress. The Hon’ble Division Bench of this Court in ***M/s Coromandel International Limited***’s case (supra) had already held that the Appellate Courts must make efforts to prioritize hearing appeals filed against the conviction under Section 138 of NIA Act and decide the same within 60 days of the filing and not later than 90 days, where the appellant is not in a

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position to deposit the compensation amount as ordered by the Appellate Court.

10. Thus, in view of the same, the present petition is disposed of with a direction to the Appellate Court concerned to hear the appeal of the petitioner and decide the same within 60 days and not later than 90 days. It is further clarified that the parties shall not seek any unnecessary adjournments.

11. Disposed of.

12. Pending applications, if any, stand disposed of.

17.11.2025

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(SUBHAS MEHLA)
JUDGE

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