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

**CRM-M No.41121 of 2025
Date of Decision: 31.07.2025**

Tarun Kumar and another

..... Petitioners

Versus

Kiran Narang

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Mehak Ghangas, Advocate for
Mr. Ajay Ghangas, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for setting aside the order dated 03.07.2025 (Annexure P-5) passed by the Additional Sessions Judge (FTC), Panipat in criminal Appeal No.CRA/17/2024, CNR No.HRPP01-00241-2024 vide which the sentence awarded to the petitioner vide order dated 08.01.2024 was revoked and the application filed by the petitioner for exemption was dismissed and bail was cancelled and notice under Section 446 of Cr.P.C. was sent to surety of the petitioner to produce him on next date.

2. It has been contended by learned counsel for the petitioners that the petitioner, namely, Tarun Kumar, was convicted under Section 138 of Negotiable Instruments Act and sentenced to undergo simple



imprisonment for 01 year vide order dated 30.11.2023/01.12.2023. She has submitted that the conviction and sentence order of the trial Court was assailed by the petitioner by way of filing an appeal before the learned Appellate Court. She has submitted that the learned Appellate Court vide order dated 08.01.2024 had suspended the sentence of the petitioner. Though it was mentioned that he would pay 20% of the compensation, however the same was not the condition for suspending the sentence. She has submitted that even otherwise the condition of paying 20% of compensation was in violation of the law settled by the Hon'ble Supreme Court in '*Jamboo Bhandari vs M.P.State Industrial Development Corporation Ltd. and others*', 2024(1) SCC (Cri) 90 and thus the same is unsustainable in the eyes of law. She has submitted that the petitioner was never afforded any opportunity to present his case for his financial hardships. She has submitted that by virtue of the impugned order dated 03.07.2025, now the bail has been cancelled. She has thus submitted that both the orders are being unsustainable in the eyes of law deserve to be set aside.

3. Heard.

4. After hearing learned counsel for the petitioner and perusing the record, it is apparent that the learned Appellate Court suspended the sentence of the petitioner and ordered to deposit 20% of the compensation amount vide order dated 08.01.2024. However, due to financial constraints, the petitioner failed to comply with the order dated 08.01.2024. The order has been passed without affording any

opportunity to the petitioner to explain his position and as such, his bail was cancelled and bail bonds/surety bonds are forfeited to the State vide impugned order dated 03.07.2025 and as such, the same are against the mandate of Hon'ble Supreme Court in *Jamboo Bhandari's case (supra)*.

5. In view of the aforesaid facts, and the judicial precedent settled by Hon'ble Apex Court in *Jamboo Bhandari's case (supra)*, without commenting anything on the merits of the case, the present petition is disposed of. Petitioner is relegated to approach the learned Appellate Court concerned and file an appropriate application before it, which would be decided by passing a fresh order, by taking into consideration the law laid down by the Hon'ble Apex Court in *Jamboo Bhandari's case (supra)* in this regard within two weeks from the date of filing of the application. The direction given in the order dated 08.01.2024 by the learned Appellate Court to the extent of depositing 20% of the compensation amount and the impugned order dated 03.07.2025, whereby the bail of petitioner was cancelled, are hereby set aside subject to payment of costs of Rs.10,000/- to be deposited with the Day Care Centre for Elderly Disabled Home for Old & Destitute People, Sector 15, Chandigarh. However, the petitioner shall continue to remain on bail as per order dated 08.01.2024 of the learned Appellate Court till the above said application is disposed of.

31.07.2025

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

(RAJESH BHARDWAJ)
JUDGE