



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

Sr. No.124

**CRM-M-44673-2025 (O&M)
Date of Decision: 20.08.2025**

GURDEEP SINGH

....Petitioner

Versus

KANWARPAL AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Bhim Singh, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

Petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881, vide judgment of conviction and order of sentence dated 03/04.02.2025 in complaint titled as “*Kanwarpal Vs. Gurdeep Singh*” by the Court of learned Judicial Magistrate 1st Class, Kaithal. Against his conviction and sentence, petitioner filed appeal. The Appellate Court while admitting the appeal on 04.03.2025, directed the petitioner to deposit 20% of the compensation amount as awarded by the Trial Court within 90 days. It is the aforesaid order, which has been challenged through this petition.

2. Learned counsel for the petitioner contends that the petitioner was not provided any opportunity of hearing before passing the order. Petitioner is not in a position to pay any amount and there was exceptional circumstance due to which petitioner was not required to deposit 20% of the compensation amount.

3. Learned counsel for the petitioner has referred to “*Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. and others*”, CrI. Appeal No.2741 of 2023, SLP (CrI.) No.(s) 4927 of 2023.



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Learned counsel contends that the Appellate Court was required to consider as to whether the case of the petitioner falls in the exception or not.

4. Without issuing any notice to the respondent, lest it may delay the proceedings, the present petition is accepted. The impugned order is set aside. The Appellate Court is directed to pass a fresh order in the light of the proposition of law as held by the Hon'ble Supreme Court in *Jamboo Bhandari's* case (*supra*).

5. As, this order has been passed in the absence of the respondents, therefore, the respondents will be given opportunity of hearing by the Appellate Court, at the time of passing order on the application of petitioner for exempting him for depositing 20% as enumerated under Section 143-A of Negotiable Instruments Act.

20.08.2025

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**(SUBHAS MEHLA)
JUDGE**

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