



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

CRM-M-52099-2025

Date of decision: 16.09.2025

SUSHIL KUMAR @ SUSHIL KUMAR JANGRAPetitioner

Versus

STATE OF HARYANA AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Sanchit Punia, Advocate for the petitioner.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Instant petition has been filed for quashing/setting aside of order dated 08.11.2024 (Annexure P-4) passed by the Court of learned Additional Sessions Judge, Hisar in criminal appeal No.400 of 2024 titled as '*Sushil Kumar vs Bhagat Singh*' filed against the judgment of conviction and order of sentence dated 11.10.2024 passed by learned Judicial Magistrate Ist Class, Hisar in CIS No.NACT/2459/2020, whereby, the sentence of the petitioner was suspended conditionally by imposing a condition to deposit 20% of the compensation without considering whether the case of the petitioner falls within exception or not.

2. Vide judgment of conviction and order on quantum of sentence dated 11.10.2024 passed by learned Judicial Magistrate Ist Class, Hisar the petitioner was convicted and sentenced to undergo simple imprisonment for a period of one year for commission of offence punishable under Section 138 of Negotiable Instruments Act and was further directed to pay compensation to



the tune of Rs.20,00,000/- (i.e. double of the cheque amount) to the complainant, along with default mechanism. Thereafter, the petitioner preferred an appeal against the said judgment of conviction and order of sentence before the learned Additional Sessions Judge, Hisar. The learned Appellate Court vide order dated 08.11.2024, suspended the sentence of the petitioner subject to depositing 20% of the compensation amount within sixty days. Thereafter, the petitioner filed an application for recalling of the said order on the ground of ill health and financial hardships. The said application was dismissed vide order dated 18.04.2025 (Annexure P-7) on the ground that such application is not maintainable rather the petitioner should approach superior Court. Subsequently, on 04.06.2025 (Annexure P-8) the bail of the petitioner was cancelled and bail bonds/surety bonds were forfeited to State followed by issuance of non-bailable warrants.

3. Learned counsel for the petitioner *inter alia* contends that the learned lower Appellate Court failed to appreciate the facts in the right perspective and imposed the condition to deposit 20% of the compensation amount and such a condition is illegal, arbitrary and in violation of the law as laid down 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***, decided on 04.09.2023. Speaking through Justice Abhay S. Oka, it has been held as follows:-

“6. What is held by this Court is that a purposive interpretation should be made of Section 148 of the N.I. Act. Hence, normally, Appellate Court will be justified in imposing the condition of deposit as provided in Section 148. However, in a case where the Appellate Court is



satisfied that the condition of deposit of 20% will be unjust or imposing such a condition will amount to deprivation of the right of appeal of the appellant, exception can be made for the reasons specifically recorded.

7. Therefore, when Appellate Court considers the prayer under Section 389 of the Cr.P.C. of an petitioner who has been convicted for offence under Section 138 of the N.I. Act, it is always open for the Appellate Court to consider whether it is an exceptional case which warrants grant of suspension of sentence without imposing the condition of deposit of 20% of the fine/compensation amount. As stated earlier, if the Appellate Court comes to the conclusion that it is an exceptional case, the reasons for coming to the said 4 conclusion must be recorded.”

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 case of the petitioner is an exceptional case which warrants grant of suspension of sentence without imposing the condition of deposit of 20% fine/compensation amount. The impugned order dated 08.11.2024 is hereby set aside to the extent of imposing the condition of depositing 20% of compensation amount. 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. As a consequence of above, the order dated 04.06.2025 (Annexure P-8) is also hereby quashed.

5. 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)***.

6. The petition is disposed of accordingly.

16.09.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |