



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

CRM-M-55354-2025

Date of decision: 19.11.2025

INDERJEET SINGH

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Narender Singh Kamboj, Advocate for the petitioner.
Mr. Mohit Chaudhary, AAG, Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Instant petition has been filed for quashing/setting aside of order dated 03.05.2023 passed by the Court of learned Additional Sessions Judge, Sirsa in CRA/131/2023 titled as '*Inderjeet Singh Versus M/s Jai Mahaveer Sales*' filed against judgment of conviction and quantum of sentence dated 03.04.2023 and 05.04.2023 in complaint No. NACT/421 of 2018 whereby sentence of the petitioner was suspended, and vide order dated 02.08.2023, the suspension of sentence was made conditional subject to deposit 20% compensation amount without considering whether the case of the petitioner falls within exception or not.

2. Vide judgment of conviction dated 03.04.2023 and order on quantum of sentence dated 05.04.2023 passed by learned Judicial Magistrate Ist Class, Sirsa, the petitioner was convicted and sentenced to undergo simple imprisonment for a period of 02 years and was further directed to pay compensation to the tune of Rs.6,40,000/- to the complainant within a period of one month, 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, Sirsa. The learned Appellate Court vide order dated 03.05.2023 suspended the sentence of the petitioner and vide order dated 02.08.2023 made the suspension of sentence conditional subject to depositing 20% of the compensation amount before the date fixed.

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 03.05.2023 and 02.08.2023 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.

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)**.

7. The petition is disposed of accordingly.

(RUPINDERJIT CHAHAL)
JUDGE

19.11.2025
Mohit Bishnoi

MOHIT
2025.11.26 18:06
I attest to the accuracy and
integrity of this document

i) Whether speaking/reasoned?
ii) Whether reportable?

Yes/No
Yes/No