



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

280

CRM-M-64985-2024 (O&M)**Date of Decision: 22.09.2025****KEWAL KRISHAN KUMAR**

....Petitioner

VERSUS**M/S RAM SARUP SURINDER KUMAR**

....Respondent

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Bhanu Pratap Singh, Advocate for the petitioner.
(through hybrid mode)

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of orders dated 07.03.2024 and 29.10.2024, whereby the Appellate Court has directed the petitioner to deposit 20% amount of compensation while granting suspension of sentence to the petitioner who is 71 years old having severe medical conditions (Annexure P-6).

2. Learned counsel submits that the sentence of the petitioner, aged 71 years, was suspended vide order dated 07.03.2024, subject to the condition that he will deposit 20% of the compensation amount within a period of 60 days in view of Section 148 of the NI Act. Thereafter, this Court vide order dated 07.01.2025 had stayed the orders impugned and directed the petitioner to surrender before the Appellate Court within a period of two weeks and shall be admitted to interim bail. Thus, the imposition of such stringent and onerous condition, vide the impugned orders, are unjust. He prays that the same be liable to be quashed on account of his severe medical conditions, family exigencies and poor financial status.

3. Heard.

4. Reference is made to the judgment of Hon'ble the Supreme Court in **Jamboo Bhandari vs. MP State Industrial Development Corporation Ltd.** 2023(10) SCC 446, the relevant paras whereof reads thus:

“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 accused 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 conclusion must be recorded.”

5. In **Muskan Enterprises and another vs. State of Punjab** 2024 SCCOnline SC 4107, Hon'ble the Supreme Court remitted the matter to the Sessions Court to re-examine the issue of ordering deposit by observing that, “Whether sufficient ground has been made out by the appellants to persuade the Sessions Court not to order any deposit is left entirely to its discretion and satisfaction. We do not express any opinion on the plea that the appellants have sought to advance before us, lest any party seeks to derive any advantage. All points are left open.”

6. In light of the aforesaid, the condition imposed to deposit 20% of compensation under Section 148-A of the Act in the orders dated 07.03.2024 and 29.10.2024 are set aside. The learned Appellate Court to

reconsider the matter afresh, as per the observations made in the aforesaid judgments, granting an opportunity to the petitioner.

7. Till the decision is taken, the order dated 07.01.2025 granting interim bail to the petitioner shall remain stayed. The petitioner is directed to appear through his counsel before the learned Appellate Court on or before 14.10.2025, failing which, this order shall stand vacated automatically.

8. Disposed of accordingly.

22.09.2025
Deepak Patwal

(AMAN CHAUDHARY)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |