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

CRR-3047-2025**Date of Decision: 04.12.2025****HARPREET KAUR****....Petitioner(s)****VERSUS****PUNJAB NATIONAL BANK****....Respondent(s)****CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Kamalpreet Singh Dhillon, Advocate for the petitioner.

SUKHVINDER KAUR, J. (Oral)

The present petition under Section 430 read with Section 442 of BNSS read with Section 148 of NI Act has been filed for setting aside the order dated 24.10.2025 passed by the Court of learned Addl. Sessions Judge, Hoshiarpur, in an appeal bearing CRA-459 of 2025, whereby, while suspending the sentence of the petitioner, awarded to her in complaint filed under Section 138 of Negotiable Instruments Act, 1881 (hereinafter to be referred as N.I. Act), learned Court below directed the petitioner to deposit 20% of the compensation amount awarded by the trial Court.

2. The present complaint under Section 138 of NI Act was filed by the complainant with the submissions that the petitioner approached the complainant bank for grant of various credit facilities on different times i.e. housing loan of Rs.95,00,000/-, term loan of Rs.35,00,000/- and overdraft limit of Rs.25,00,000/- and agreed to pay interest thereon and in order to discharge her legal liability she had issued cheque No.134822 dated

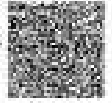
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13.06.2018 for a sum of Rs.1,09,80,320/-, drawn at Punjab National Bank, Railway Road, Hoshiarpur. On presentation of the same, it was dishonoured and returned with the remarks 'Funds Insufficient' vide separate memo dated 13.06.2018.

3. Vide judgment and order dated 24.09.2025 passed by learned Addl. Chief Judicial Magistrate, Hoshiarpur, the petitioner was convicted and sentenced to undergo Rigorous imprisonment for a period of 01 year for commission of offence punishable under Section 138 of NI Act in complaint with a direction that the accused will pay compensation to the complainant equal to the amount of cheque in the complaint in dispute with future interest @ 9% per annum from the date of issuance of cheque in question so as to compensate the complainant for the harassment on account of dishonour of the cheque in question. Thereafter, the petitioner preferred an appeal against the said judgment of conviction and order of sentence before the learned Additional Sessions Judge, Hoshiarpur. The learned Appellate Court vide order dated 24.10.2025, suspended the sentence of the petitioner subject to depositing 20% of the compensation amount within 60 days.

4. 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 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



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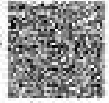
04.09.2023. Speaking through Justice Abhay S. Oka, it has been held as follows:-

"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."*

5. 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 present case falls in the exception or not. The impugned order dated 24.10.2025 whereby, the condition of depositing 20% of compensation amount has been imposed for granting suspension of sentence upon the petitioner is hereby set aside. 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.

6. The directions given in the order dated 24.10.2025, by learned Appellate Court to the extent of depositing 20% of compensation, are set

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aside and it is also clarified that the order of suspension of sentence would not be disturbed in any manner and same would not be subject to the observations, which are yet to be made by the Appellate Court while dealing with the provisions of Section 148 of the Act.

7. 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)***.

8. The petition is disposed of accordingly.

9. Pending miscellaneous application(s), if any, also stand(s) disposed of.

December 04, 2025
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(SUKHVINDER KAUR)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No