



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

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CRM-M-70265-2025 (O&M)

Date of decision: 15.12.2025

AMAR SINGH
Vs.
ISHWAR DASS

... Petitioner

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Deepender Brar, Advocate for the petitioner.

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed under Section 528 BNSS, for quashing the order dated 03.03.2023, Annexure P-3, passed by learned Additional Sessions Judge, Fazilka, vide which the petitioner has been directed to deposit 20% of the compensation amount and order dated 12.06.2024, Annexure P-9, passed by learned Additional Sessions Judge, Fazilka, vide which the application for extension of time to submit bail bonds and to release him on bail and to waive off the compensation amount of 20% till the disposal of the appeal has been dismissed.

2. Learned counsel submits that sentence of the petitioner, aged 58 years, was suspended, vide the aforesaid order dated 03.03.2023, but he was directed to deposit 20% of the compensation amount within a period of 60 days from the date of said order and further he was ordered to be released on bail on furnishing bail bonds/surety bonds before the trial Court within 15 days of the said order, however the said order was not complied with till date. The imposition of such stringent and onerous condition is unjust. He prays that the same are liable to be quashed on account of his 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 amount in the orders dated 03.03.2023 and 12.06.2024, Annexures P-3 and P-9, respectively, passed by learned Additional Sessions Judge, Fazilka, 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, sentence of the petitioner shall remain suspended. The petitioner is directed to appear through his counsel before the learned Appellate Court on or before 04.01.2026, failing which, this order shall stand vacated automatically.

8. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

15.12.2025

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No