



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

301

CRM-M-4410-2025 (O&M)

Date of decision: 17.03.2026

Raj Kumar Saini

....Petitioner

Versus

Kailash Devi and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition filed under Section 528 of BNSS, 2023 is for quashing of order dated 18.12.2024 Annexure P-3 passed by the learned Additional Sessions Judge, Hisar in Criminal Appeal No.CRA-454-2024, whereby the petitioner was granted suspension of sentence on a condition to deposit 20% of the compensation amount.

2. Relevant portion of the order dated 27.01.2025 is extracted:

“Learned counsel for the petitioner *inter alia* contends that while condition to deposit 20% of the compensation amount is ordered by the Ld. Appellate Court, the Ld. Appellate Court completely failed in noticing the fact that during the trial proceedings before the Court of Ld. SDJM, Hansi, 20% of the cheque amount had already been deposited by the petitioner. In support of his submission, he refers to the order dated 13.10.2021 (Annexure P-4). Thus, it is submitted that condition to deposit 20% of the cheque amount at the time of the appeal proceedings, is unreasonable.

Notice of motion for 20.03.2025.

In the meanwhile, operation of the direction in regard to the deposit 20% of compensation amount in appeal proceedings shall remain stayed.”

3. Perused.



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 order dated 18.12.2024 is 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, interim order dated 27.01.2025 is continued. He is directed to appear through his counsel before the learned Appellate Court on or before 03.04.2026, failing which, this order shall stand vacated automatically.

8. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

17.03.2026
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No