



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

CRM-M-7566-2026
Date of decision: 29.04.2026

JASWINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Imran Farooqi, Advocate
for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of impugned order dated 30.05.2023 (Annexure P-3) passed by learned Additional Sessions Judge, Sangrur in **CRA-201-2023** (now registered as CRA/259/2024 pending before learned Additional Sessions Judge, Malrekotla) arising out of a complaint titled as '*Jarnail Singh vs. Jaswinder Singh*' registered as NACT No.43 of 2019, Police Station Malerkotla, District Malerkotla registered under Section 138 of Negotiable Instruments Act, 1881, vide which, petitioner was directed to deposit 20% of the total compensation amount awarded by learned trial Court within a period of 60 days, and for quashing of impugned order dated 06.09.2025 (Annexure P-4) passed by learned Additional Sessions Judge Malrekotla, whereby bail/suspension of sentence of the petitioner was cancelled and conviction warrants were issued.

2. Learned counsel for the petitioner contends that the impugned orders dated 30.05.2023 (Annexure P-3) and 06.09.2025 (Annexure P-4) are



illegal, arbitrary and liable to be set aside. It is submitted that the Appellate Court mechanically imposed the condition to deposit 20% of the compensation amount under Section 148-A of the Negotiable Instruments Act while suspending the sentence, without considering the petitioner's financial incapacity, despite the petitioner being an agriculturist of limited means who had sold his land under compelling circumstances of financial hardship; the provision under Section 148-A NI Act is discretionary and not mandatory, and the Appellate Court failed to record reasons or apply the settled principles laid down 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*** and ***Muskan Enterprises vs. The State of Punjab, 2024 SCC Online SC 4107***. Learned counsel further submits that the subsequent cancellation of bail and issuance of conviction warrants solely on account of non-deposition of 20% of compensation amount is in direct violation of the law laid down by Division Bench judgment of this Court in ***M/s Coromandel International Limited Vs. Shri Ambica Sales Corporation, 2025(4) RCR (Criminal) 490***. It is also argued that the petitioner has a substantial defence on merits, as the cheque in question was issued as a security cheque in a land dispute compromise and was later on misused. Therefore, compelling the petitioner to undergo sentence during the pendency of his first appeal renders his valuable right of appeal illusory and violates Article 21 of the Constitution of India.

3. Heard learned counsel for the petitioner and perused the record.
4. Given the nature of order this Court proposes to pass, no notice is required to be issued to respondents.



5. The impugned order dated 30.05.2023, which the petitioner is assailing in the present petition was passed 03 years ago and this Court has impression that the present petition has been filed just to delay the proceedings before the Appellate Court as the complaint under Section 138 of Negotiable Instruments Act, 1881 was filed in the year 2019 i.e. 07 years ago. Moreover, another impugned order dated 06.09.2025 clearly depicts that the reason for cancellation of suspension of sentence was the non-appearance of the petitioner on three consecutive dates.

6. In view of the above, taking into consideration the totality of the circumstances and the act and conduct of the petitioner, this Court finds no merit in the present petition and the same stands dismissed accordingly.

April 29, 2026
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(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No