



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.11078 of 2025 (O&M)
Date of Decision :20.01.2026

Kewal Krishan Kumar

.....Petitioner

Versus

M/s Rajinder Pal & Sons

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Ms. Vibhuti Narania, Advocate for the petitioner.
(through hybrid mode).

Mr. Namit Khurana, Advocate for the respondent.

SURYA PARTAP SINGH, J. (Oral):

1. This petition under Section 528 of Bharatiya Nagrik Surakhsa Sanhita, 2023 has been filed for quashing of order dated 11.03.2024, hereinafter being referred to as 'impugned order' passed by the learned Additional Sessions Judge, Kurukshtetra, hereinafter being referred to as 'Appellate Court'.

2. In nut-shell the facts emerging from record are that petitioner was prosecuted for the commission of offence punishable under Section 138 of Negotiable Instruments Act 1881, hereinafter being referred to as 'N.I. Act', and the trial conducted against the petitioner culminated into his conviction. Against the judgment of conviction the petitioner had preferred an appeal in the Court of Sessions. The above mentioned appeal was dealt with by the Court of learned Additional Sessions Judge, and by virtue of above mentioned order the learned Sessions Judge issued a direction for the deposit of 20% of



compensation, awarded to the respondent, within a period of 60 days. It is also relevant to mention here that subsequent thereto, the petitioner moved an application for waiver of above mentioned condition but the same has been dismissed by the learned Additional Sessions Judge on 10.12.2024 by passing a detailed order.

3. Aggrieved of the of the above mentioned order this petition has been preferred on the ground that the learned Appellate Court while passing the impugned order has ignored the extreme difficulty being faced by the petitioner in complying with the condition imposed by impugned order. As per learned counsel for the petitioner the petitioner is an old aged person, i.e. 71 years old, who is already facing prosecution in numerous cases and that the age, health and financial condition of the petitioner does not permit him to pay the above mentioned money. It has been further contended by learned counsel for the petitioner that the Hon'ble Supreme Court in the case of '*Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. and others*', has already observed that the condition enshrined under Section 148 of NI Act can be relaxed in the case of extreme hardship.

4. According to learned counsel for the petitioner the facts and circumstances of the present case qualifies for the relaxation in the above said condition, as per above mentioned law. The learned counsel for the petitioner has also contended that the learned Appellate Court despite an application moved by the petitioner, seeking for relaxation in the condition, has failed to appreciate the facts as well as the relevant law.

5. The record has been perused carefully.

6. A perusal of record shows that on the day itself when the appeal



was filed the learned Appellate Court imposed the condition for the deposit of 20% of compensation awarded to the respondent. The above mentioned order is in conformity with the statutory provisions enshrined under Section 148 of N.I. Act. On the same day itself the petitioner expressed his desire to move an application for relaxation of above mentioned condition, and when the above mentioned application was filed the same was duly considered by the learned Appellate Court. Thereafter by passing a detailed order the above mentioned application was dismissed.

7. A bare perusal of above mentioned order shows that the learned trial Court has analysed the facts of the case in detail, in the light of relevant statutory provisions vis-a-vis relevant law. Thereafter, vide a well reasoned order the application has been dismissed. It is also relevant to mention here that the perusal of record no where shows that the petitioner, who has been directed to pay only 20% of compensation has any kind of extreme hardship which prohibits him from complying with above mentioned statutory provisions. In this regard the observations made by the learned trial Court are relevant. It has been observed by the learned trial Court that “the main ground on which the present application has been moved is that he has filed total 61 criminal appeals in the Courts of Haryana regarding dishonour of cheques in which the total amount involved is Rs.3.20 crore and 20% of the cheque amounts would come to Rs.64 lacs. However, merely because the appellant has been convicted in 61 cases is not an exceptional circumstance in his favour, rather it shows that the appellant is a habitual offender. I find merit in the contention of learned counsel for the respondent-complainant that the appellant-convict has to face all financial liabilities being a convict in the



aforesaid number of cases and he cannot take benefit of his own wrongs. The proposal of the applicant taken in para No.5 of the application to make consolidated payment in the form of a fixed deposit is contrary to his submission that he could not make payment of the amount due to financial constraints”

8. Taking into consideration the fact that the order passed by the learned appellate Court is a well reasoned order and the same is in conformity with the relevant legal provision, it is hereby held that there is no scope for indulgence and interference in the impugned order. Since there is no illegality or infirmity in the order passed by the learned trial Court, it is hereby held that the present petition is devoid of merits and deserves dismissal. Hence, the same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

20.01.2026
Manoj Bhutani

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