



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-12321-2026 (O&M)
Date of Decision: March 07, 2026

Chander Mohan

.....Petitioner

Versus

The Panchkula Central Co-operative Bank Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rajiv Kumar Saini, Advocate,
for the petitioner.

SANJAY VASHISTH, J.

1. This petition, under Section 528 of the BNSS, 2023 (corresponding to Section 482 of the Cr.P.C.), has been filed by the petitioner seeking quashing of the impugned orders dated **09.10.2019** (Annexure P-3) and **11.02.2026** (Annexure P-4), passed by the learned Additional Sessions Judge, Panchkula (Appellate Court), *qua* the direction for deposit of **20% of the amount of compensation** in favour of the complainant in **CRA-63 of 2019**, arising out of final judgment of conviction in Criminal Complaint No. **NACT-282 of 2015**.

Because of non-appearance in appeal proceeding, vide the impugned order dated **11.02.2026**, the bail bonds and surety bonds furnished by the petitioner have been cancelled and warrants of arrest have been issued against him for **10.03.2026**.

2. Petitioner was convicted for committing offence u/s 138 of Negotiable Instruments Act, 1881 (in short, 'NI Act'), vide judgment of conviction and order of sentence dated 08.02.2019, passed by learned Judicial Magistrate First Class, Panchkula.

3. Against the judgment of conviction & order of sentence, petitioner instituted an appeal, i.e., CRA/63/2019 before the Appellate Court, and details are as under:-

1.	Complaint No.	NACT-3382-2015, under Section 138 of
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		the NI Act
2.	Judgment of conviction	08.02.2019, passed by Judicial Magistrate First Class, Panchkula (Trial Court)
3.	Criminal Appeal No.	CRA/63/2019
4.	Date of impugned order	11.03.2019, passed by Additional Sessions Judge, Panchkula (Appellate Court)

4. On 09.10.2019, following direction was issued by the Appellate Court:-

“ In view of Section 148 of Negotiable Instrument Act the appellant is also directed to deposit of 20% of the total compensation amount before the Trial Court by way of FDR in the name of the Court within a period of 60 days from today and release of FDR shall be subject to the appropriate directions/ order given by this Court at the time of final disposal of the appeal. To come upon 31.01.2020 for arguments. LCR be summoned for the said date.

Copy of this order be sent to Trial Court for information.”

Thereafter, proceedings in the case continued and ultimately, on 11.02.2026, while passing the impugned order, the bail granted to the petitioner was cancelled on account of his failure to appear before the Appellate Court, and the following was recorded:-

“ Today the case was fixed for depositing 20% of the compensation amount awarded by the learned Trial Court.

Appellant Chander Mohan has failed to appear before the Court despite several calls since morning. There is no intimation about him. It is 03.00 PM and further wait is not justified. Hence, bail of appellant Chander Mohan is hereby cancelled. The bail bond and surety bond furnished by him stand cancelled. Let warrant of arrest be issued against appellant Chander Mohan for 10.03.2026. Notice to the surety of appellant Chander Mohan be also issued for the date fixed.”

5. The issue involved in this petition is no longer *res integra*, and the same has been answer by the Larger Bench/Division Bench of this Court, vide detailed order dated 24.09.2025, passed in the case of M/s Coromandel International Limited v. Shri Ambica Sales Corporation, Law Finder Doc Id # 2783918 : 2025 (4) RCR (Criminal) 490.



6. Thereafter, by following the view point of the Larger Bench/Division Bench in the matter of M/s Coromandel International Limited, this Court also passed a detailed order in the case of Shivam Jindal v. Shubhan Ali (CRM-M-56288-2025 (O&M), decided on 17.11.2025) and other connected petitions.

7. In view above, matter in hand is required to be sent back to the Appellate Court, for decision afresh on the application for suspension of sentence of the appellant/petitioner herein, in consonance with the order dated 24.09.2025, passed by the Larger Bench/Division Bench of this Court in the case of M/s Coromandel International Limited (supra), and subsequent order dated 17.11.2025, passed by this Court in the case of Shivam Jindal (supra).

8. Ordered accordingly.

9. The said exercise shall be undertaken by the Appellate Court not later than 15 days from the date of receipt of a certified copy of this order, and after issuing notice(s) to the respective parties.

10. Further, it is directed that till the time application for suspension of sentence is decided afresh, the condition of deposit of 20% of the compensation amount, as directed by the Appellate Court in its earlier order, shall remain inoperative, and the bail shall not be cancelled in consequence thereof.

11. In case the Appellate Court, after re-appreciation of the matter, comes to the conclusion that the deposits are expensive than the liberty, and the convict is not in a position to deposit and likely to forego his liberty even when the first appeal is yet to be decided, the Appellate Court must make efforts to prioritize hearing appeal filed against the conviction under Section of the 148 NI Act and decide the same preferably within next sixty days of passing of fresh order, and not later than ninety days, which clearly aligns with the legislators' intentions. However, the time of sixty days should be extended to the extent to which the decision of the appeal is delayed because of the complainant.

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12. Registry is directed to transmit copy of this order to the respective Appellate Court (as detailed in para No. 2 above) forthwith for compliance.

13. So far as, impugned order dated 11.02.2026 (Annexure P-4) is concerned, vide which the bail of the petitioner was cancelled and warrants of arrest were issued against him, same is ordered to be kept in abeyance.

14. **Present petition stands disposed of in the above terms.**

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

(SANJAY VASHISTH)
JUDGE

March 07, 2026

J.Ram

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**