

2026.PHHC.080357



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

134

**CRM-M-21769-2026 (O&M)
Date of decision : 21.05.2026**

Sahib Ram @ Sahab Ram**...Petitioner**

Versus

Vijay Chabra @ Vijay Chhabra**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Jaswinder Singh Grewal, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 528 of BNSS, 2023, is for quashing of order dated 11.11.2025 (Annexure P-3), passed by the Court of learned Additional Sessions Judge, Fazilka in Criminal Appeal No. 482 of 2025, titled as ***Sahib Ram v. Vijay Chhabra***, whereby, while suspending the sentence of the petitioner, as awarded to him in criminal complaint filed under Section 138 of Negotiable Instruments Act, 1881 (*for short 'N.I. Act'*), the learned appellate Court had directed him to deposit 10% of the compensation amount as awarded by the trial Court within a period of 60 days from the date of passing the order.

2. It is argued by learned counsel for the petitioner that the impugned order is not sustainable in the eyes of law as learned appellate Court, while giving such direction, failed to consider the fact that the deposit

of 20% of the compensation amount was not absolute requirement for suspension of sentence and this condition was to be imposed in exceptional circumstances. It is also argued that the petitioner is a poor agriculturist and is not in a position to deposit the part of compensation in compliance with the impugned order. Imposition of such condition of deposit of 10% of the amount of compensation would effectively amount to taking away the right of appeal of the petitioner. Hence, it is urged that the impugned order is liable to be quashed to the extent, to which, the condition of depositing 10% of the amount of compensation has been imposed upon the petitioner.

3. This Court has heard the submissions made by learned counsel for the petitioner.

4. The challenge in the present petition is confined only to the condition imposed by the learned appellate Court while suspending the sentence of the petitioner, whereby he has been directed to deposit 10% of the amount of compensation awarded by the learned trial Court as a condition during pendency of the appeal. The principal contention raised is that such condition is onerous in nature and would virtually deprive the petitioner of his statutory right of appeal, particularly keeping in view his financial condition.

5. Before advertng to the controversy involved, it would be apposite to notice that Section 148 of the N. I. Act, inserted by way of amendment, confers power upon the appellate Court to direct deposit of a minimum percentage of the compensation/fine awarded by the trial Court while entertaining an appeal against conviction under Section 138 of the N.I. Act. The object behind incorporation of the said provision is evident to ensure that the complainant is not left remediless during the pendency of

appellate proceedings and to discourage dilatory tactics in matters arising out of dishonour of cheques.

6. The scope and manner of exercise of such power has already been considered by the Hon'ble Supreme Court in ***Jamboo Bhandari versus M.P. State Industrial Development Corporation Ltd. and others, 2023 (10) SCC 446***, wherein it has been held that though the appellate Court ordinarily would be justified in directing deposit under Section 148 of the N.I. Act, however, departure from such requirement may be made in exceptional cases where insistence on deposit would result in injustice or would effectively render the remedy of appeal illusory. Such departure, however, has to be supported by specific reasons. The Hon'ble Supreme Court has further reiterated in ***Muskan Enterprises and another versus State of Punjab, 2024 INSC 1046*** that the normal rule is to lean in favour of directing deposit and exercise of discretion not to impose such condition would arise only where exceptional facts are demonstrated by the appellant-convict.

7. Now after examining the facts of the present case in light of the aforesaid principles, this Court does not find any infirmity in the impugned order. The learned appellate Court, while suspending the sentence of the petitioner, has not directed deposit of the entire amount contemplated under Section 148 of the N.I. Act but has required deposit of only 10% of the compensation amount. The order itself reflects that the submissions of the petitioner regarding his financial condition were noticed and, keeping in view the nature of transaction, the appellate Court consciously reduced the deposit requirement from 20% to 10%. The plea raised before this Court that the petitioner is a poor agriculturist and, therefore, unable to comply with the

condition, remains a bald assertion which is not supported by any material. Mere pleading of financial difficulty, in absence of any cogent material, cannot be treated as an exceptional circumstance so as to dilute the statutory mandate underlying Section 148 of the N.I. Act. It also cannot be said, in the facts of the present case, that directing deposit of 10% of the compensation amount would amount to extinguishing or frustrating the petitioner’s right to pursue the appeal. Thus, this Court is of the considered view that the impugned order does not suffer from any illegality, perversity or jurisdictional error warranting interference by this Court in exercise of powers under Section 528 of BNSS, 2023. Accordingly, finding no merit in the present petition, the same is dismissed.

8. Nothing observed herein shall be construed as an expression on merits of the criminal appeal pending before the learned appellate Court.

21.05.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>