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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-26640-2025 (O&M)
Date of Decision:24.03.2026

Harpreet Singh

....Petitioner

Versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Menka Gupta, Advocate,
for the petitioner.

Mr. Gautam Kaile, DAG Haryana

Mr. Mohan Singla, Advocate, for respondent No.2.

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, for quashing the order dated 16.05.2024, Annexure P-7, passed by learned Sub Divisional Judicial Magistrate, Tohana, District Faehabad, vide which the complaint of the complainant has been allowed erroneously and directed the petitioner to pay 20% of cheque amount as compensation and further for quashing of the order dated 16.04.2025, Annexure P-8, passed by learned Additional Sessions Judge, Fatehabad, vide which the petition filed by the petitioner has been dismissed.

2. Learned counsel submits that on an application filed under Section 143 of NI Act for grant of interim compensation, the petitioner was



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directed to deposit 20% of the total amount of cheque. He prays that the same are liable to be quashed on account of his family exigencies and poor financial status.

3. Heard.

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.”



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6. In light of the aforesaid, the order dated 16.05.2024 whereby the petitioner was directed to pay 20% of the cheque amount under Section 143-A of the Act, is set aside. The Court concerned is directed 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 15.05.2025 is continued. The petitioner is directed to appear through his counsel before the learned trial Court on or before 16.04.2026, failing which, this order shall stand vacated automatically.

8. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

March 24, 2026

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Whether speaking : Yes/No

Whether reportable : Yes/No