



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

128

CRM-M-38290-2025 (O&M)

Date of decision: 12.05.2026

Atara @ Atar Singh

...Petitioner(s)

VERSUS

Parveen Kumar and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Rishi Pal Chaudhary, Advocate for the petitioner(s).

Mr. Kamaldeep Redhu, Advocate
for respondent No.1-complainant.

Ms. Chhavi Sharma, AAG Haryana

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for quashing of the impugned order dated 28.05.2025 passed by learned Additional Sessions Judge, Kurukshetra, in Criminal Appeal No.CRA-264-2024, titled as 'Atara @ Atar Singh v. Parveen Kumar', arising out of complaint bearing No. 996/2019 dated 01.07.2019, under Section 138 of the Negotiable Instruments Act, 1881 directing the petitioner to deposit 20% of the compensation amount awarded by the trial Court in favour of the complainant.

2. Learned counsel appearing on behalf of the petitioner contends that the petitioner is a poor person and is a labourer by profession. It is submitted that the trial Court while convicting the petitioner vide judgment dated 28.10.2024 directed the petitioner to pay a compensation of Rs.3,00,000/-, which is one and half

times of the cheque amount. Aggrieved thereof, the petitioner preferred an appeal bearing No.CRA-264-2024. The Appellate Court vide order dated 29.11.2024, directed the petitioner to deposit 20% of the compensation amount within a period of 60 days, failing which, his bail was held liable to be cancelled. Aggrieved thereof, the petitioner preferred CRM-M-6610-2025. The order dated 29.11.2024 passed by the Appellate Court was set aside to the extent of depositing 20% of the compensation amount with a direction to the Appellate Court to re-examine the case in view of the law laid down by Hon'ble Apex Court in the matter of '*Jamboo Bhandari Vs. M.P. State Industrial Development Corporation Ltd. and others*' reported as **2024(1) SCC (Cri.) 90** and '*Muskan Enterprises and another v. The State of Punjab and another*', reported as **2024 SCC Online SC 4107**, after affording the petitioner an opportunity to raise submissions regarding the existence of exceptional circumstances, and thereafter to pass a fresh order in accordance with law.

3. Consequent upon remand, the Appellate Court re-considered the claim of the petitioner for exemption/waiver of the pre-deposit of 20% of the compensation amount. The application was dismissed yet again and a fresh order directing pre-deposit to the extent of 20% of the compensation amount was passed on 28.05.2025, hence, the present petition.

4. Learned counsel appearing on behalf of the petitioner re-iterates his submissions that the petitioner is not a person of means and is merely a farm labourer and has taken land in the village on lease for supporting his family, therefore, he does not possess the financial capacity to make the pre-deposit of 20% of the compensation amount.

5. Counsel for the complainant on the other hands contends that the Appellate Court had considered all the submissions advanced by the petitioner in para No.11 of its order dated 28.05.2025 and it was specifically recorded therein that the sole document relied upon by the appellant was a family identification document reflecting an annual income between Rs.1,00,000/- and Rs. 1,40,000/-, to claim financial hardship. It was noticed that such a document was only secondary and not a primary proof to establish indigence or override the material demonstrating financial capacity of an accused. It was also noticed by the Appellate Court that the appellant has regularly transacted with a commission agency i.e. M/s Sushil Kumar Karan Singh, situated at Ladwa Anaj Mandi, Kurukshetra and has duly settled all outstanding accounts with the said firm. Further, the Appellate Court has also noticed that in the Execution Petition titled as 'Anoop Singh and others Vs. Bakshish Singh and others', the appellant was impleaded as legal heir of deceased-Gobind Singh and received a share in the sale proceeds of agricultural land pursuant to the orders of High Court. Besides, it was also noticed that the appellant has a constructed house in the village. It was under said circumstances that the Court rightly noticed that 20% of compensation amount could be deposited by the petitioner herein.

6. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the instant petition with their able assistance.

7. Before proceeding further into the matter, it would be essential to advert to the orders under challenge. The relevant part of the order dated 28.05.2025 passed by the Additional Sessions Judge, Kurukshetra, reads

thus:-

“9. Upon perusal of the impugned judgment, it emerges that the respondent/complainant’s case is premised on the assertion that the cheque in question was issued by the appellant in discharge of a legally enforceable debt, specifically a loan availed by the appellant for his personal use. In light of the statutory presumptions under Sections 118 and 139 of the Negotiable Instruments Act, 1881, which mandate that every cheque is presumed to have been issued for consideration and in discharge of a legal liability unless rebutted, a prima facie case stands established in favour of the respondent/complainant. Further, a reasoned and detailed judgment of conviction has been rendered by the learned Trial Court against the appellant, which is under challenge in the present appeal, and remains pending adjudication.

10. The impugned judgment also records that the appellant is an agriculturist who regularly transacted with a commission agency namely M/s Sushil Kumar Karan Singh, located at Ladwa Anaj Mandi, Kurukshetra and has duly settled all outstanding accounts with the said firm. This lends credence to the respondent’s contention that the appellant is a substantial landowner with ongoing commercial dealings. Moreover, in the Execution Petition titled Anoop Singh & Ors. vs. Bakhshish Singh & Ors., the appellant is impleaded as a legal heir of deceased Gobind Singh and is shown to have

received a share in the sale proceeds of agricultural land pursuant to orders of the Hon'ble Punjab and Haryana High Court. This material, brought on record by the respondent, strongly indicates that the appellant has access to considerable financial resources.

11. *Conversely, the appellant relies on a Family Identification Document purporting an annual income between 1,00,000 and ₹ ₹1,40,000/- to claim financial hardship. However, such documents, being largely self-reported and lacking corroborative verification, cannot conclusively establish indigence or override the material demonstrating financial capacity of the appellant. In view of these facts, claim of the appellant of his inability to deposit 20% of the compensation amount lacks persuasive merit.*

12. *Section 148 of the Negotiable Instruments Act, 1881, is enacted with the legislative intent to ensure that the complainant is not unduly prejudiced during the pendency of appellate proceedings and to prevent misuse of the appellate process through frivolous litigation. The provision empowers the Appellate Court to direct the appellant to deposit a minimum of 20% of the compensation awarded by the Trial Court, subject to judicial discretion in exceptional circumstances. In the present case, no such exceptional or compelling circumstances have been demonstrated which would justify exemption from compliance with the statutory*

requirement.

13. *In light of the foregoing discussion, this Court finds no justification to waive the statutory deposit under Section 148 of the Act. The appellant has failed to establish that his case falls within the narrow class of exceptional situations warranting such relief.*

14. *Accordingly, the appellant is hereby directed to deposit 20% of the compensation amount as awarded by the learned Trial Court within a period of 60 days from the date of this order, in compliance with Section 148 of the Negotiable Instruments Act, 1881. Failure to comply with this direction shall render bail of the appellant liable to be cancelled and the appeal open to dismissal on this ground alone.”*

8. It is evident that the petitioner has placed a vehement reliance on the application form submitted for the issuance of a Family ID, however, the same is not a certificate issued by the Government or the competent authority verifying the claim raised therein. The same information was self declaration and furnished by the petitioner himself. Such a self-serving declaration, by itself, may not be treated as proof of the assertions made therein. The petitioner has also failed to place on record any document, duly verified by the Revenue Department reflecting his financial condition, details of the property owned by him, or the financial resources available at his disposal. Consequently, the observations recorded by the Appellate Court cannot be said to suffer from any infirmity or mis-appreciation on the basis of the material presently placed on record by the petitioner.

9. Under the given circumstances, there is evidently no material available with the Court on the basis whereof it may be assumed that it is a case of an extreme financial hardship rendering him incapable of making the statutory pre-deposit. A mere inconvenience cannot be equated to an extreme hardship. The legislative mandate requiring pre-deposit is required to be generally adhered to save in exceptional circumstances where a litigant is able to convincingly establish that the necessary financial resources are wholly beyond his means and that insistence upon such pre-deposit would result in grave undue hardship culminating into travesty of justice. Noticing that the material adduced by the petitioner is inadequate and deficient and falls short to establish any of the claims and rather, the document relied upon is only a self-serving statement, I find that the submission made by the petitioner lack merit and is liable to be rejected.

10. The present petition is accordingly ***dismissed***.

(VINOD S. BHARDWAJ)
JUDGE

12.05.2026

Mangal Singh

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