



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

268

CRM-M-67643-2025 (O&M)
Date of decision: 11.02.2026

Kiran Kumar

....Petitioner

Versus

Desraj

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vikas Kumar, Advocate for
Mr. B.D. Sharma, Advocate for the petitioner

Ms. Vibhuti Manchanda, Advocate for
Mr. Rajiv K. Trikha, Advocate for the respondent

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of order dated 01.10.2025 Annexure P-6 passed by the Additional Sessions Judge, Hoshiarpur in Criminal Appeal No.3 of 2019, whereby the petitioner was directed to deposit 20% of the compensation amount.

2. Learned counsel submits that the sentence of the petitioner shall be vacated, in case, he will not deposit 20% of the compensation amount within a period of 60 days in view of Section 138 of the NI Act. The imposition of such stringent and onerous condition, vide the impugned order, is unjust. He prays that the same be liable to be quashed on account of his 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

SCOnline 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.”

6. In light of the aforesaid, the condition imposed to deposit 20% of compensation under Section 148-A of the Act in the order dated 01.10.2025 is set aside. The learned Appellate Court 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, sentence of the petitioner shall remain suspended. The petitioner is directed to appear through his counsel before the



learned Appellate Court on or before 25.02.2026, failing which, this order shall stand vacated automatically.

8. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

11.02.2026

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No