



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

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CRM-M-70284-2025 (O&M)
Date of Decision:- 25.02.2026

Arjan Ram ... Petitioner
Versus
Sham Lal and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Rhythem Bajaj, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. Present petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking quashing of impugned order dated 09.10.2025 (Annexure P-2) passed by learned Additional Sessions Judge, Fazilka in CRA-412-2025 dated 09.10.2025 (Complaint NACT/36/2021 dated 25.01.2021) vide which the petitioner was directed to deposit 20% of the compensation amount awarded before the learned Trial Court within 60 days from the date of the order.
2. The present complaint under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter to be referred as N.I. Act) was filed by the complainant on account of dishonour of a cheque No.085993 dated 14.12.2020, amounting to Rs.4 lakhs, allegedly issued by the petitioner in favour of respondent/complainant.
3. Vide judgment and order dated 11.09.2025 passed by learned Judicial Magistrate First Class, Fazilka, the petitioner was convicted and



sentenced to undergo rigorous imprisonment for a period of 01 year and to pay Rs.4 lakhs as compensation to the complainant. Thereafter, the petitioner preferred an appeal against the said judgment of conviction and order of sentence before the learned Additional Sessions Judge, Fazilka. The learned Appellate Court vide order dated 09.10.2025, suspended the sentence of the petitioner and directed petitioner to deposit 20% of the fine/compensation amount imposed by trial Court within a period of 60 days.

4. Learned counsel for the petitioner contended that at the time of filing the appeal before learned Appellate Court, the petitioner had filed an application for staying the operation of impugned judgment dated 11.09.2025 and for suspension of sentence as well as an application seeking waiver of the condition to deposit 20% of the compensation amount. However, at the time of passing of order while suspending suspension of sentence of the petitioner, the contents of the application and arguments advanced by learned counsel for the appellant/petitioner were not addressed with and the order was passed without taking into consideration the ratio of law laid down in **Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. And others [2023 (4) RCR (Criminal) 296]**. Learned counsel prayed that the Appellate Court be directed to pass a fresh speaking order considering the plea raised by the appellant regarding his incapacity to deposit amount of compensation imposed upon him.

5. Given the nature of order this Court proposes to pass, no notice is required to issue private respondent.

6. This Court has heard learned counsel for the petitioner and perused the impugned orders passed by the Courts below.



7. Division Bench of this Court in the case of **M/s Coromandel International Limited Vs. Shri Ambica Sales Corporation** has held as under:

“76. Therefore, the simplest solution to all these issues is that whenever the deposits are expensive than the liberty, and the Appellate Courts are convinced that the convicts are not in a position to deposit and likely to forego their liberty even when the first appeal is yet to be decided, the Appellate Courts must make efforts to prioritize hearing appeals filed against the convictions under Section 148 NI Act and decide those preferably within sixty days of filing, 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.”

8. The contentions of learned counsel for the petitioner is that the petitioner is not able to deposit 20% of fine/compensation due to severe financial distress. The Hon’ble Division Bench of this Court in **M/s Coromandel International Limited’s** case (supra) had already held that the Appellate Courts must make efforts to prioritize hearing appeals filed against the conviction under Section 138 of NIA Act and decide the same within 60 days of the filing and not later than 90 days, where the appellant is not in a position to deposit the compensation amount as ordered by the Appellate Court.

9. A perusal of order shows that there is no mentioning of any observation regarding dealing of the prayer of applicant for waiving of requirement to deposit 20% of the compensation amount. So, Appellate Court is directed to pass a fresh speaking order, on the application filed by appellant



seeking waiving of condition of depositing 20% of compensation amount after taking into consideration the plea raised by the petitioner regarding his incapacity to pay the compensation after giving an opportunity to the respondent/opposite party and if his plea is rejected and he fails to deposit 20% of the compensation amount, then his appeal be decided preferably within a period of 60 days or a period of 90 days as Division Bench of this Court in **Coromandel (supra)** has expressed the necessity to decide appeal within 60 days in cases wherein he founds to be incapable to deposit amount of 20% of compensation imposed upon him while suspending his sentence.

10. Thus, in view of the above, the present petition is **disposed of**. It is further clarified that the parties shall not seek any unnecessary adjournments.

11. Pending applications, if any, stand disposed of.

25.02.2025
Geeta

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(SUBHAS MEHLA)
JUDGE