



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

149

CRM-M No.72326 of 2025 (O&amp;M)

Date of Decision: 20.01.2026

Tarsem Singh

.....Petitioner

Versus

Harpal Singh

..... Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

**SURYA PARTAP SINGH, J. (Oral):**

1. This petition for quashing of order dated 04.11.2025, hereinafter being referred to as 'impugned order' passed by the learned Sessions Judge Amritsar, hereinafter being referred to as 'Appellate Court' only, has been filed by the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner has been convicted for the commission of offence punishable under Section 138 of Negotiable Instruments Act, hereinafter referred to as 'NI Act'.

2. The record reveals that the petitioner faced a trial in a complaint case, titled as 'Harpal Singh Vs. Tarsem Singh', for the commission of offence punishable under Section 138 of NI Act. The abovementioned trial culminated into conviction of the petitioner. The learned trial Court sentenced the petitioner to undergo simple imprisonment for a period of one year and also directed to pay compensation to the tune of Rs.2,10,000/-.

3. Aggrieved of the abovementioned order, when the petitioner filed an appeal before the learned Appellate Court and sought suspension of sentence, the learned Appellate Court by virtue of impugned order, dated



04.11.2025, suspended the sentence awarded to the petitioner, but subject to the condition, in view of Section 148 of the Negotiable Instruments (Amendment) Act, 2018, that the petitioner will have to deposit an amount equivalent to 50% of the compensation within a period of three months.

4. Heard.

5. Learned counsel for the petitioner contends that the learned Appellate Court, while imposing the abovementioned condition, did not give any opportunity to the petitioner to explain his hardship, and that without giving an opportunity of being heard, abovementioned harsh condition has been imposed, which in no way, can be termed to be justified.

6. While referring to the principles of law laid down by the Hon'ble Supreme Court in a case of '*Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. and others*', the learned counsel for the petitioner has further argued that the learned Appellate Court was duty bound to give an opportunity to the petitioner to explain the circumstances and pass a reasonable order with regard to deposit of a part of compensation. According to learned counsel for the petitioner, since any opportunity of being heard was not afforded to the petitioner, by the learned Appellate Court, the instant case may be remanded back to the learned Appellate Court for passing a fresh order.

7. I have perused the record carefully.

8. A perusal of record shows that in this case, against the cheque amount of Rs.2,10,000, the compensation awarded by the learned trial Court is Rs.2,10,000/-. If the condition imposed by the learned Appellate Court, i.e. deposit of 50% of compensation, is to be complied with, it may amount



to hardship to the petitioner. In addition to above, it is also relevant to note that the abovesaid order has been passed without giving an opportunity of being heard to the petitioner.

9. Without issuing any notice to the respondent, lest it may delay the proceedings, the present petition is accepted. The impugned order is set aside. The learned Appellate Court is directed to pass a fresh order in the light of the law explained by the Hon’ble Supreme Court in *Jamboo Bhandari’s* case (*supra*).

10. Since this order has been passed in the absence of the respondent, therefore, the respondent will be at liberty to approach this Court, in case the respondent-complainant is aggrieved by this order.

(SURYA PARTAP SINGH)  
JUDGE

20.01.2026  
Manoj Bhutani

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |