



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

(146)

CRM-M-72569-2025(O&M)

DATE OF DECISION: 15.01.2026

Pooja Kumar

.....Petitioner

VERSUS

State of Haryana and another

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Sanjay Verma, Advocate, for the petitioner.
Mr. Karan Veer Singh, Sr.DAG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. The present petition has been filed by the petitioner against the impugned order dated 20.02.2025 (Annexure P-2), passed by learned Additional Sessions Judge, Gurugram, whereby the sentence awarded to the petitioner under Section 138 of Negotiable Instruments Act has been suspended conditionally by imposing the condition to deposit 20% of the fine/compensation imposed by the trial Court within a period of 60 days.

2. Learned counsel for the petitioner submitted that petitioner is a household lady and is not a working woman, residing in a rented accommodation. Learned appellate court passed the impugned order dated 20.02.2025 without taking into consideration the fact that petitioner is not in a capacity to pay the 20% of the compensation amount and his case falls within the exceptional circumstances which warrants the waiver of requirement of depositing of 20% of the compensation awarded by the learned trial court in the light of judgment passed by Hon'ble the Supreme court in **Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. And others [2023 (4) RCR (Criminal) 296]**. In support



of his contention, learned counsel has also placed reliance upon the law laid down in a case titled **Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. And others [2023(10) SCC 446]** and judgment of Co-ordinate Bench of this Court passed in CRM-M-57149-2025, titled **Shivam Jindal and others v. Shubhan Ali and others, decided on 17.11.2025.** During the course of arguments, learned counsel for petitioner admitted that he has not approached this Court within the prescribed period of 60 days and argument to the effect that he is incapable of depositing 20% of the compensation amount was not raised at the time of passing of impugned order dated 20.02.2025.

3. At this stage, learned counsel for the petitioner limited his prayer that he will move an application before the learned first Appellate Court to raise all the pleas taken before this Court.

4. Heard.

5. Impugned order dated 20.02.2025 (Annexure P2) perused, which shows that at the time of passing of said order, no plea has been taken qua his incapacity to deposit 20% of the compensation amount; neither the aforesaid amount was deposited by the petitioner within the prescribed period nor he challenged the impugned order within a period of 60 days.

6. The Hon'ble Division Bench of this Court in **M/s Coromandel International Limited Vs. Shri Ambica Sales Corporation, 2025(4) RCR (Crl.) 490** 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.



7. So the present petition is hereby dismissed being devoid of merit. However, the learned Appellate Court is directed to decide the appeal expeditiously in accordance with law as the Division Bench of this Court in M/s Coromandel’s case (supra) has expressed the necessity to decide the appeal within 60 days or as extendable upto 90 days where the appellant is incapable to deposit 20% of compensation amount. It is further clarified that the parties shall not seek any unnecessary adjournments.

8. All pending misc. applications, if any, be also disposed of.

15.01.2026
mamta

(SUBHAS MEHLA)
JUDGE

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