



CRM-M-73226-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

154

CRM-M-73226-2025

Date of Decision: January 29, 2026

Saroj Kumar

.....Petitioner

Versus

Sukhwinder Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Naveen Batra, Advocate,
for the petitioner.

SANJAY VASHISTH, J.

1. This petition, under Section 528 of the BNSS, 2023, has been filed by the petitioner assailing the order dated 13.10.2025 (Annexure P-1), passed by learned Additional Sessions Judge, Hoshiarpur (Appellate Court), while deciding the application for suspension of sentence, filed by the petitioner alongwith the appeal preferred against the judgement of conviction and order of sentence passed by the Trial Court, while deciding complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short, 'the NI Act').

2. For the sake of brevity, the basic details of this petition have been summed up in tabular form, as under:-

1.	Complaint No.	NACT-316-2022, under Section 138 of the NI Act
2.	Judgment of conviction	15.09.2025, passed by Sub Divisional Judicial Magistrate Dasuya [Trial Court]
3.	Criminal Appeal No.	CRA/395/2025
4.	Date of impugned order	13.10.2025, passed by Additional Sessions Judge, Hoshiarpur (Appellate Court)

3. The issue involved in this petition is no longer *res integra*, and the same has been answer by the Larger Bench/Division Bench of this Court, vide detailed order dated 24.09.2025, passed in the case of M/s Coromandel

CRM-M-73226-2025

2

International Limited v. Shri Ambica Sales Corporation, Law Finder Doc Id # 2783918 : 2025 (4) RCR (Criminal) 490.

4. Thereafter, by following the view point of the Larger Bench/Division Bench in the matter of **M/s Coromandel International Limited**, this Court also passed detailed orders in the cases of **Shivam Jindal v. Shubhan Ali** (CRM-M-56288-2025 (O&M), decided on 17.11.2025) & other connected petitions; and **Pawan Goyal v. Anshul Goyal** (CRM-M-18736-2025, decided on 24.12.2025) & 08 connected cases).

5. In view above, matter in hand is required to be sent back to the Appellate Court, for decision afresh on the application for suspension of sentence of the appellant/petitioner herein, in consonance with the order dated 24.09.2025, passed by the Larger Bench/Division Bench of this Court in the case of **M/s Coromandel International Limited** (supra), and subsequent orders dated 17.11.2025 and 24.12.2025, passed by this Court in the cases of **Shivam Jindal** (supra) and **Pawan Goyal** (supra).

6. Ordered accordingly.

7. The said exercise shall be undertaken by the Appellate Court not later than 15 days from the date of receipt of a certified copy of this order, and after issuing notice(s) to the respective parties.

8. Further, it is directed that till the time application for suspension of sentence is decided afresh, the condition of deposit of 20% of the compensation amount, as directed by the Appellate Court in its earlier order, shall remain inoperative, and the bail shall not be cancelled in consequence thereof.

9. In case the Appellate Court, after re-appreciation of the matter, comes to the conclusion that the deposits are expensive than the liberty, and the convict is not in a position to deposit and likely to forego his liberty even when the first appeal is yet to be decided, the Appellate Court must make efforts to prioritize hearing appeal filed against the conviction under Section of the 148 NI Act and decide the same preferably within next sixty days of passing of fresh order, and not later than ninety days, which clearly aligns with the legislators' intentions. However, the time of sixty days should be



CRM-M-73226-2025

3

extended to the extent to which the decision of the appeal is delayed because of the complainant.

10. Registry is directed to transmit copy of this order to the Appellate Court (as detailed in para No. 2 above) forthwith for compliance.

11. Present petition stands disposed of in the above terms.

(SANJAY VASHISTH)
JUDGE

January 29, 2026
P Kapoor

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**