

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2025:PHHC:121835



(137)

CRM-M-49921-2025

Date of Decision: 08.09.2025

Narinder Pal

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present:- Mr. V.S. Kathpal, Advocate for the petitioner
(through V.C.).

VINOD S. BHARDWAJ.J (Oral)

The instant petition has been filed praying for quashing the impugned order dated 18.06.2025 (Annexure P-2) passed by learned Judge, Special Court, Fazilka in Criminal Appeal No.199 of 2025 filed by the petitioner against the judgement dated 22.05.2025 passed by the court of learned JMIC, Fazilka in NACT 400 of 2021 titled as “M/s Dhuria Agro Care Vs. Narinder Pal” to the extent of direction regarding paying 20% of the cheque amount.

2. Learned counsel for the petitioner contends that vide impugned order dated 18.06.2025 (Annexure P-2) learned Judge, Special Court, Fazilka had directed the petitioner to deposit 20% of the compensation amount while considering the application for suspension of sentence of the petitioner without even granting an opportunity to the petitioner to establish the underlying circumstances and financial hardship faced by the petitioner which renders him incapable of making the predeposit. He further contends

that the petitioner would be satisfied in case he is granted an opportunity to move an appropriate application to put forth the circumstances as would require a lenient view to be taken and the requirement of pre-deposit to be revisited.

3. In view of the order which this Court proposes to pass, the issuance of a formal notice to the respondent would not be necessary.

4. Having gone through the impugned order as well as the averments contained in the present petition, I am of the opinion that the present petition can be disposed of with liberty to the petitioner to move an appropriate application for seeking waivers/redetermination of the pre-deposit by way of an appropriate application within a period of 10 days from today. In the event of any such application having been filed by the petitioner, the appellate court shall consider the said application in view of the law laid down by the Hon'ble Supreme Court in the matter of *Jamboo Bhandari Vs. M.P. State Industrial Development Corporation Ltd. and others, Criminal Appeal No.2741 of 2023 decided on 04.09.2023*.

5. The order of suspension of sentence of the petitioner is directed to remain in operation for a period of 10 days from today so as to enable the petitioner to move such an application before the appellate court and thereafter, an appropriate order shall be passed by the court dealing with the said application.

6. The present petition stands disposed of.

7. All pending applications, if any, shall also stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

08.09.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No