



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

**CRM-M-3915-2025
DECIDED ON: 02.05.2025**

DARPAN JAIN

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mandeep S. Sachdeva, Advocate
for the petitioner.

Mr. Rajiv Verma, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 528 of Bharatiya Nagarik Suraksha Sanita, 2023 for quashing of the order dated 06.03.2024 (P-1) passed by Ld. Additional Sessions Judge, Jalandhar whereby the application filed by the Petitioner for suspension of sentence has been allowed and the sentence of the Petitioner has been suspended subject to deposit of 20% of the compensation amount, only to the extent of quashing/modifying the condition of depositing 20% of compensation amount, as well as for quashing of the order dated 22.10.2024 (P-2) passed by Additional Sessions Judge, Jalandhar whereby the application filed by the Petitioner for extension of time to deposit 20% of the compensation amount and to reduce the compensation amount by 10% in appeal against conviction bearing CRA-90-2024 has been dismissed.

Learned counsel for the petitioner would submit that the condition to deposit 20% of the compensation amount is not fair as the petitioner has no means left to deposit the same and have even mortgaged his house and, therefore, prays that the order be modified to the extent of depositing 10% of the compensation amount instead of 20%.

This Court can see no reason to deny the prayer of the learned counsel for the petitioner as he has shown his bona fide for depositing 10% of the compensation amount as he is left with no means but still he is ready to pay 10% instead of 20%. Moreover, the main objective of the law is to secure the ends of justice and not to defeat the same by a mere procedural or technical loophole.

Hence, the order dated 06.03.2024 (Annexure P-1) is modified to the extent that 20% of the compensation amount be reduced to 10% in the light of the fact that the financial condition of the petitioner is not good since all the properties are under mortgage and he is under financial distress.

In view of the above, the order dated 22.10.2024 (Annexure P-2) is hereby quashed.

The present petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

02.05.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No