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

**CRM-M No.2196 of 2025  
Date of decision : 16.01.2025**

**Sat Pal****.....Petitioner****Versus****Ajit Raj****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Munish Puri, Advocate  
for the petitioner.

**RAJESH BHARDWAJ, J. (Oral)**

1. Prayer in the present petition is for quashing of order dated 19.11.2024 (Annexure P-1) as well as subsequent order dated 18.12.2024 (Annexure P-3) passed by the learned Appellate Court in appeal bearing No.CRA-88-2024 titled as 'Sat Pal versus Ajit Raj' to the extent wherein the petitioner has been directed to deposit 20% of the cheque amount with learned trial Court in case bearing NI Act No.902 of 2002 dated 03.11.2022 titled as 'Ajit Raj vs. Sat Pal being passed against the settled provisions of law. Further prayer has been made for staying the impugned order dated 19.11.2024 (Annexure P-1) as well as order dated 18.12.2024 (Annexure P-3) during the pendency of the present petition.

2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a complaint under Section 138 of the Act. He has further submitted that the petitioner was convicted by the learned Judicial Magistrate Ist Class, Pathankot vide judgment dated 05.11.2024



and sentenced to undergo rigorous imprisonment for 02 years along with fine of Rs.10,000/- and was ordered to pay compensation of Rs.5,00,000/- to the complainant. It is further submitted that the petitioner assailed the order dated 05.11.2024 by filing an appeal before the Court of learned Sessions Judge, Pathankot which is admitted for hearing on merits. Though the application for suspension of sentence of the petitioner was allowed, however, the learned Appellate Court vide impugned order dated 19.11.2024, ordered the petitioner to pay 20% of the compensation amount under Section 148 of the Negotiable Instruments Act. However, due to financial constraints, the petitioner failed to comply with the order dated 19.11.2024 and thereafter filed an application seeking extension of time to comply with the same. However the said application was allowed vide order dated 18.12.2024 and the petitioner was directed to deposit 20% of the cheque amount and surrender within one month as per the conditions laid down in order dated 19.11.2024. He has submitted that the petitioner has already paid 60% of the compensation amount i.e. Rs.3,00,000/- out of Rs.5,00,000/- to the complainant and thus the direction issued to deposit 20% of the cheque amount is unsustainable in the eyes of law as per the provisions of Section 148 of NI Act. It is further submitted that the impugned orders passed by the learned Appellate Court are in violation of the law settled by Hon'ble Supreme Court in '*Jamboo Bhandari vs M.P.State Industrial Development Corporation Ltd. and others, 2024(1) SCC (Cri) 90*', wherein it has been held that when Appellate Court considers the prayer under Section 389 of the Cr.P.C. of an accused who has been convicted for offence under Section 138 of the NI Act, it is always open for the Appellate Court to consider whether it is an exceptional case which



warrants grant of suspension of sentence without imposing the condition of deposit of 20% of the fine/compensation amount. As stated earlier, if the Appellate Court comes to the conclusion that it is an exceptional case, the reasons for coming to the said conclusion must be recorded, which is missing in the present case. It is submitted that learned trial Court has not appreciated the case and circumstances of the petitioner as per mandate of Hon'ble Supreme Court in *Jamboo Bhandari's* case (supra).

3. Heard.

4. After hearing learned counsel for the petitioner and perusing the record, it is apparent that the learned Appellate Court suspended the sentence of the petitioner and ordered to deposit 20% of the cheque amount vide order dated 19.11.2024 and further extended for a month vide order dated 18.12.2024, however, the petitioner did not comply with the same.

5. In view of the aforesaid facts, and the judicial precedent settled by Hon'ble Apex Court in *Jamboo Bhandari's* case (supra), without commenting anything on the merits of the case, the present petition is disposed of. Petitioner is relegated to approach the learned Appellate Court concerned and file an appropriate application before it, which would be decided, by taking into consideration the law laid down by the Hon'ble Apex Court in *Jamboo Bhandari's* case (supra) in this regard within one month from the date of filing of the application. The direction given in the orders dated 19.11.2024 and 18.12.2024 by the learned Appellate Court to the extent of depositing 20% of the compensation, are set aside and the petitioner shall continue to be on bail as per the order dated 19.11.2024 of learned Appellate Court till the



above-said application is disposed of by it.

6. Present petition stands disposed of.

**16.01.2025**

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**(RAJESH BHARDWAJ)  
JUDGE**

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