

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

CRR-2416-2025 (O&M)  
 Reserved on: 01.10.2025  
 Pronounced on: 16.10.2025

Tejwinder Singh

..... Petitioner

*Versus*

Gurkesar Singh

..... Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Nikhil Ghai, Advocate and  
 Mr. Sidharth Sehgal, Advocate, for the petitioner.

\*\*\*\*

**ANOOP CHITKARA, J.**

<b>Criminal Complaint</b>	No. NACT-43/2018 under Section 138 of the Negotiable Instruments Act, titled as "Gurkesar Singh Vs. Tejwinder Singh" decided on 14.08.2024 CNR No. PBSA03000105-2018
<b>Criminal Appeal</b>	CRA-188-2024 titled as "Tejwinder Singh Vs. Gurkesar Singh" CNR No. PBSA01-007229-2024 Pending before the Appellate Court.

1. The present petition has been filed under Section 528 BNSS, 2023 for quashing the impugned order dated 30.08.2025 passed by learned Additional Sessions Judge, SAS Nagar in the captioned case whereby he was directed to deposit 25% of the compensation amount of Rs.15 Lacs.

2. Counsel for the petitioner submits that the appeal against the order of conviction and sentence dated 14.08.2024 passed by Judicial Magistrate Ist Class, SAS Nagar has been filed and the sentence of the petitioner was suspended vide order dated 11.09.2024. Thereafter, the respondent/complainant filed an application under Section 148 of NI Act for directing the appellant to deposit 30% of the compensation awarded by the trial Court and further for releasing the said amount to the complainant/respondent. However, vide order dated 30.08.2025, the said application has been disposed of with a direction to the appellant/accused to deposit 25% (found to be just in the given circumstances) of the entire compensation amount so awarded in the judgment of conviction and order of sentence.

3. Counsel for the petitioner further submits that the petitioner is not in a position to deposit such a huge amount and he is ready to argue the main matter.

4. Counsel for the petitioner further submits that now Division Bench of this Court in the case of *M/s Coromandel International Limited Vs. Shri Ambica Sales Corporation* has held as under:

*“76. Therefore, the simplest solution to all these issues is that whenever the deposits are expensive than the liberty, and the Appellate Courts are convinced that the convicts are not in a position to deposit and likely to forego their liberty even when the first appeal is yet to be decided, the Appellate Courts must make efforts to prioritize hearing appeals filed against the convictions under Section 148 NI Act and decide those preferably within sixty days of filing, and not later than ninety days, which clearly aligns with the legislators’ intentions. However, the time of sixty days should be extended to the extent to which the decision of the appeal is delayed because of the complainant.”*

5. Counsel for the petitioner further submits that he would be contended and satisfied if a direction is issued to the concerned Appellate Court to decide appeal of petitioner within 60 days in view of the ratio of **M/s Coromandel International Limited** (supra) in this case.

6. Given the nature of order this Court proposes to pass, no notice is required to issue private respondent.

7. Since a Division Bench of this Court vide judgment dated 24.09.2025, had emphasised upon decision of the appeal(s) within 60+30 days, where the applicant is not in a position to deposit compensation amount as ordered in such case by Appellate Court. Present appeal is pending before the Appellate Court i.e. Sessions Court, it shall be appropriate that the appeal be heard within 60 days extendable for 30 days as mentioned in the judgement (**supra**), subject to the condition that the accused-appellant shall not seek any adjournment.

8. Given above, present petition is disposed of and impugned order dated 30.08.2025 stands set aside. The concerned Appellate Court is requested to hear the appeal of the petitioner and decide the same within 60 days i.e. **on or before 16.12.2025**. It is clarified that the petitioner-accused shall not seek any unnecessary adjournment, if he does so, this order shall stand recalled automatically resorting to provision of Section 403 read with 528 BNSS, 2023. It is further clarified that if the complainant seeks any adjournment, then the time for which the matter is adjourned on his/her request, the time to decide the appeal shall be extended to that extent. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

16.10.2025  
Jyoti-II

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