



CRM-M-48417-2025

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

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CRM-M-48417-2025 (O & M)

Date of decision: 01.09.2025

VIKASH LIKHI AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gaurav Gupta, Advocate, for the petitioners.

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 528 of BNSS, 2023 (corresponding to Section 482 Cr.P.C.), for quashing the order dated 25.06.2025, Annexure P-2, passed by learned Addl. Sessions Judge, Ambala, in CRA No.192 dated 25.06.2025, to the extent, while suspending sentence, a condition to deposit 20% of the compensation has been imposed.

2. In view of the order that is proposed to be passed, there is no necessity for issuance of notice to the respondent.

3. It would be gainful to refer to the judgment of Hon'ble the Supreme Court in **Jamboo Bhandari vs. MP State Industrial Development Corporation Ltd.** 2023(10) SCC 446, the relevant paras whereof reads thus:

“6. What is held by this Court is that a purposive interpretation should be made of Section 148 of the N.I. Act. Hence, normally, Appellate Court will be justified in imposing the condition of deposit as provided in Section 148. However, in a case where the Appellate Court is

satisfied that the condition of deposit of 20% will be unjust or imposing such a condition will amount to deprivation of the right of appeal of the appellant, exception can be made for the reasons specifically recorded.

7. Therefore, 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 N.I. 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.”

4. In light of the aforesaid, the condition imposed to deposit 20% of compensation under Section 148-A of the Act in the order dated 25.06.2025 is set aside. The matter is remitted to the learned Appellate Court for considering it afresh, as per the observations made in the aforesaid judgment, granting an opportunity to the petitioner to be able to demonstrate that his case falls under the exceptional category.

5. Till the decision is taken, sentence of the petitioner shall remain suspended. The petitioner is directed to appear through his counsel before the learned Appellate Court on or before 10.09.2025, failing which, this order shall stand vacated automatically.

6. Disposed of accordingly.

01.09.2025
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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