IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203 **CRM-M-58458-2024 (O&M)**
Date of Decision: 29.09.2025

Gulab Singh ..... Petitioner

Versus

Virender Chauhan and another ..... Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bhavdeep Singh Mamli, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Ajay Chauhan, Advocate
for respondent No.1.

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ANOOP CHITKARA, J. (ORAL)

1. The present petition has been filed under Section 528 BNSS, 2023 for setting aside the order dated 27.08.2024 passed by the learned Additional Sessions Judge, Panchkula in CRA-212-2024 (Annexure P-2) whereby petitioner was directed to deposit 20% of the compensation amount and prayed for hearing of appeal on merits by taking bail bond and surety bond of petitioner.

2. Counsel for the complainant/respondent No.1 submits that once a condition has been imposed while suspending the sentence, it cannot be termed as illegal.

3. Counsel for the petitioner submits that the appeal against the order of conviction and sentence dated 29/31.07.2024 passed by JMIC, Palwal was filed on 27.08.2024 and while suspending the sentence, petitioner was directed to pay 20% of the compensation amount. 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:

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> *"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."*

4. Counsel for the petitioner submits that he would be contended and satisfied if a direction is issued to the concerned Sessions Court to decide the appeal within 60 days and Appellate Court be directed to apply ratio of **M/s Coromandel International Limited** (supra) in this case. He further submits that period should be counted from the date of pronouncement of judgment (Supra) and not from the date of filing. It is for the reason that they were unaware of this proposition which has been pronounced by the Division Bench of this Court. Complainant has no objection to the petitioner's prayer.

5. 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 by Appellate Court. In such pending appeal(s) before the Sessions Court, it shall be appropriate that all such appeals shall also be heard within 60 days extendable for 30 days as mentioned in the judgement **(supra),** only if accused does not seek any adjournment,

6. Given above, **present petition is disposed of** with a direction to the concerned Appellate Court to hear the appeal(s) and decide the same within 60 days i.e. **on or before 29.11.2025**. It is clarified that the petitioner/accused shall not seek any adjournment and if he/she 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

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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

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Whether speaking/reasoned	*Yes*
Whether Reportable	*Yes*

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