

135 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC.048036



CRM-M-19099-2025

Date of Decision:07.04.2025

SUNIL KUMAR

...Petitioner

Vs.

JASBIR AND ANOTHER

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Piyush Aggarwal, Advocate for the petitioner.
Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J. (Oral)

The jurisdiction of this Court has been invoked under section 528 of the Bhartiya Nyaya Sanhita, 2023 for setting aside order dated 27.02.2025 (Annexure P-3), passed by the learned Addl. Sessions Judge, Jhajjar, whereby the petitioner has been directed to deposit 20% of the compensation amount within 60 days, merely on the basis of an oral request of the respondent No. 1 and without there being any application under Section 148 of the Negotiable Instruments Act, 1881.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to move an appropriate application before the lower Appellate Court, with the reasons/grounds on which he is asking for the waiver of 20% of the compensation amount as stipulated under Section 148 of the Negotiable Instruments Act, who shall adjudicate afresh by passing in the light of ***Jamboo Bhandari versus M.P. State Industrial Development Corporation Ltd. & Ors.***”, decided on 04.09.2023.

Prayer is accepted.



Dismissed as withdrawn with liberty aforesaid.

However, it is made clear that in case the Lower Appellate Court dismissed the application for waiver of the condition, the petitioner would be at liberty to approach this Court again on that cause of action.

(SANDEEP MOUDGIL)
JUDGE

07.04.2025

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