

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-36317-2026

Date of Decision: 09.07.2026

Manjinder Singh

...Petitioner

V/s

Jagdeep Singh @ Mintu

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Dhiraj Jindal, Advocate, for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

Challenge in the present petition is to the order dated 07.03.2026 (Annexure P-3) passed by the Court of Additional Sessions Judge, Sangrur, vide which the petitioner was called upon to deposit 20% of the compensation amount of Rs.3 lakhs in an appeal preferred against the judgment of conviction and order of sentence dated 06.02.2026 passed by the Court of Judicial Magistrate Ist Class, Sangrur in a case filed by the respondent under Section 138 of the Negotiable Instruments Act, 1881 (for short the "NI Act").

2. The facts, as emanating from the petition, are that the respondent (Jagdeep Singh @ Mintu) filed a complaint under Section 138 of the NI Act against the petitioner (Manjinder Singh) with the allegation that the petitioner had borrowed a Rs.5 lakhs from him and in discharge of his lawful and legal liability, he had issued two cheques amounting to Rs.3,00,000 lakhs and Rs.2,10,000/ respectively. The cheque of Rs.3 lakhs was dishonoured leading to the filing of the complaint. The petitioner was convicted vide judgment of conviction dated 06.02.2026. Vide order of even date, he was sentenced to undergo rigorous imprisonment for a period of 2 years and a compensation of Rs.3 lakhs was also awarded to the respondent.



3. Aggrieved by the same, the petitioner preferred an appeal before the Court of Additional Sessions Judge, Sangrur, which was admitted vide order dated 07.03.2026 and the following order was passed:-

“Criminal appeal has been received by way of entrustment. It be checked and registered. Heard. Since the arguable points are involved in the appeal, therefore, the same is admitted for hearing subject to just exceptions.

Along-with the appeal, an application U/s 389 Cr.P.C/430 of B.N.S.S for suspension of sentence of appellant, during the pendency of appeal has also been filed. Heard. Perusal of the judgment under appeal reveals that the appellant has been sentenced to undergo rigorous imprisonment for two years under Section 138 of Negotiable Instruments Act and to pay compensation to the complainant. The sentence awarded to the appellant/accused has been suspended by the Trial Court under Section 430 (3) of BNSS and at present, she is on bail granted by the learned Trial Court to enable her to prefer this appeal.

The appeal has been admitted for hearing and its disposal is likely to take time. Under these circumstances, the substantive sentence of imprisonment awarded to the appellant by the trial court is suspended till the disposal of the appeal subject furnishing of bail bonds in the sum of Rs.1,00,000/- with one surety of the like amount, to the satisfaction of learned Trial Court/ Duty Magistrate within 15 days from today with direction to appear on each and every date of hearing in the Court. The bail bonds after attestation and acceptance be transmitted to this Court.

Perusal of judgment dated 06.02.2026 also reveals that the appellant was directed to pay an amount of Rs.3,00,000/- as compensation. In the view of the provisions of Section 148 of Negotiable Instruments Act and in the light of judgment of Hon'ble Apex Court in Surinder Deswal @ Col. S.S.Deswal Vs. Virender Gandhi 2020 INSC 21, the appellant is directed to deposit 20% of the total amount of compensation awarded by the learned Trial Court within 60 days from today. It is made clear that on failure of the appellant to make the payment of 20% of the compensation amount within the stipulated period, the order of suspension of sentence shall be automatically vacated. The appellant is directed to deposit 20% of the amount of compensation before the learned Trial Court, failing which the Trial Court should initiate the recovery proceedings for recovery of the amount of compensation.

In view of the findings of the Hon'ble Apex Court in Jamboo Bhandari Vs. M.P. State Industrial Corporation Limited 2024 (1) SCC (Cri.) 90, the appellant has been given an opportunity of hearing and has



been heard in presence of her counsel on the question of deposit of compensation amount. Separate statement of appellant has been recorded to this effect. (there are no exceptional circumstances made out to dispense with the payment of compensation amount.)

Notice of the appeal be issued to respondent for 07.05.2026.

Record of Trial Court be also requisitioned for the date fixed. The learned trial Court is directed to send the receipt of deposit of amount of compensation to this Court.”

4. The order directing the petitioner to deposit 20% of the amount of compensation has been challenged before this Court.

5. Learned counsel for the petitioner submits that the said directions are in violation of the judgment of the Hon’ble Supreme Court of India in the case of ***Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. & Others (2023) 10 SCC 446*** and the judgment of a Division Bench of this Court in the case of ***M/s Coromandel International Limited v. Shri Ambica Sales Corporation, 2025 (4) RCR (Crl.) 490*** as no opportunity was given to the petitioner to explain his circumstances on account of which, he was unable to pay the said amount. Learned counsel also submits that since the cheque amount had been given as a security, a direction be issued to the first appellate Court to decide the appeal within a period of 60 days.

6. I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit.

7. In the case of **Jamboo Bhandari** (supra), the Apex Court had held that the deposit of minimum of 20% of the amount is not an absolute rule;

“7. Therefore, when Appellate Court considers the prayer under section 389 of the Cr.P.C., 1973 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.

8. *The submission of the learned counsel appearing for the original complainant is that neither before the Sessions Court nor before the High Court, there was a plea made by the appellants that an exception may be made in these cases and the requirement of deposit or minimum 20% of the amount be dispensed with. He submits that if such a prayer was not made by the appellants, there were no reasons for the Courts to consider the said plea.*

9. *We disagree with the above submission. When an accused applies under section 389 of the Cr.P.C., 1973 for suspension of sentence, he normally applies for grant of relief of suspension of sentence without any condition. Therefore, when a blanket order is sought by the appellants, the Court has to consider whether the case falls in exception or not.”*

8. A similar view was taken by the Division Bench in the case of **M/s Coromandel International Limited** (supra).

9. On a query having been raised by the Court as to what statement was given by the petitioner before the first appellate Court which finds mentioned in the order dated 07.03.2026, learned counsel has produced the same before this Court which reads as under:-

*“Statement of Manjinder Singh aged 48 years son of Dalip Singh
R/o Chela Patti, Bhawnaigarh*

Stated that I am working as driver on truck. I am earning about Rs.10,000/- per month. I have my own residential house. I am the alone bread winner of the family. I am having one motor-cycle. My father is having 3 bighas of land. I am the alone son of my father. I myself cultivate my land. I am having one cow and one buffalo. My wife is not working. I am aware that I have been directed to pay an amount of Rs.3,00,000/- as compensation. In view of the settled provisions of law, I am ready to furnish 20% of the compensation amount within the prescribed period in the learned Trial Court.”

10. A perusal of the statement would show that it was the petitioner himself who gave a statement that he is ready to furnish 20% of the compensation amount.

11. The argument of learned counsel for the petitioner that the said statement was given under compelling circumstances is not acceptable. The



petitioner was appearing before a Court of law and once a statement was being recorded, he could have given any statement that he desired to give. Once he had given a statement that he was ready to furnish 20% of the compensation amount, he cannot be now permitted to turn back and say he does not have the means to pay the same.

12. That being so, the present petition is found to be devoid of merit and is accordingly dismissed.

(VIKRAM AGGARWAL)
JUDGE

July 09, 2026
vcgarg

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