



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

171

CRM-M-15997-2026 (O&amp;M)

Date of decision : 24.03.2026

Parikshit Godara @Parikshit

..... Petitioner

VERSUS

Parul Gupta &amp; Anr.

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present: Mr. Rhythm Bajaj, Advocate for the petitioner.

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**SURYA PARTAP SINGH, J. (Oral)**

The petitioner has filed this petition for quashing of order dated 13.01.2026 passed by the Court of learned Additional Sessions Judge Fazilka, hereinafter being referred to as 'Appellate Court' only, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner has been convicted for the commission of offence punishable under Section 138 of Negotiable Instruments Act, hereinafter referred to as 'NI Act'.

2. The record reveals that the petitioner faced a trial in a complaint case, titled as 'Parul Gupta Vs. Prikshit Godara', for the commission of an offence punishable under Section 138 of NI Act. The abovementioned trial culminated into conviction of the petitioner. The learned trial Court sentenced the petitioner to undergo rigorous imprisonment for a period of two years and also directed him to pay compensation equivalent to the cheque amount, i.e. Rs.23,00,000/-.



3. Aggrieved of the abovementioned order, when the petitioner filed an appeal before the learned Appellate Court and sought suspension of sentence, the learned Appellate Court by virtue of impugned order dated 13.01.2026 suspended the sentence awarded to the petitioner, but subject to the condition, in view of Section 148 of the Negotiable Instruments (Amendment) Act 2018, that the petitioner will have to deposit an amount equivalent to 20% of the compensation amount within a period of 60 days from the date of passing of the order.

4. Heard.

5. Learned counsel for the petitioner contends that the learned Appellate Court, while imposing the abovementioned condition, did not afford any opportunity to the petitioner to explain his hardship, and that without giving an opportunity of being heard, abovementioned harsh condition has been imposed, which in no way, can be termed to be justified.

6. While referring to the principles of law laid down by the Hon'ble Supreme Court in a case of 'Jamboo Bhandari v. M.P. State Industrial Development Corporation Ltd. and others' 2023(10) SCC 446, the learned counsel for the petitioner has further argued that the learned Appellate Court was duty bound to give an opportunity to the petitioner to explain the circumstances and pass a reasonable order with regard to deposit of a part of compensation. According to learned counsel for the petitioner, since any opportunity of being heard was not afforded to the petitioner, by the learned Appellate Court, the instant case may be remanded back to the learned Appellate Court for passing a fresh order.

7. I have perused the record carefully.



8. A perusal of record shows that in this case, against a cheque of Rs.23,00,000, the compensation awarded by the learned trial Court is equivalent to the cheque amount. If the condition imposed by the learned Appellate Court, i.e. deposit of 20% of the compensation, is to be complied with, it may amount to hardship to the petitioner. In addition to above, it is also relevant to note that the abovesaid order has been passed without giving any opportunity of being heard to the petitioner.

9. Without issuing any notice to the respondent(s), lest it may delay the proceedings, the present petition is ***accepted***. The impugned order is set aside. The learned Appellate Court is directed to pass a fresh order in the light of the law explained by the Hon'ble Supreme Court in Jamboo Bhandari's case (*supra*).

10. Since this order has been passed in the absence of the respondent(s), therefore, the respondent(s) shall be at liberty to approach this Court, in case they feel aggrieved by this order.

(SURYA PARTAP SINGH)  
JUDGE

24.03.2026

Gaurav Thakur

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No