



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

**CRM-M-15283-2026 (O&M)
DECIDED ON: 20.03.2026**

IMRAN KHAN

.....PETITIONER

VERSUS

HARMESH AND ANOTHER

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Munfaid Khan, Advocate
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. The instant petition has been filed seeking quashing of the impugned order dated 27.02.2025 (Annexure P-2), passed by the learned Additional Sessions Judge, Nuh in Crl. Appeal No.18 of 2025 titled as '*Imran Khan vs Harmesh*' in criminal complaint case bearing NACT No.11 of 2020 titled as "*Harmesh vs. Imran Khan*", whereby the petitioner has been ordered to deposit 20% of the compensation amount within a period of 60 days.

2. Vide judgment of conviction dated 23.01.2025 and quantum of sentence dated 28.01.2025 passed by learned Judicial Magistrate Ist Class, Nuh, the petitioner was convicted and sentenced to undergo simple imprisonment for a period of one year, for commission of offence punishable under Section 138 of Negotiable Instruments Act and direction was given to the petitioner to pay the cheque amount of Rs.12,57,500/- to the



complainant. Thereafter, the petitioner preferred an appeal against the said judgment of conviction and quantum of sentence before the learned Addl. Sessions Judge, Nuh. The learned Appellate Court, vide order dated 27.02.2025, suspended the sentence of the petitioner subject to furnishing personal/surety bonds in the sum of Rs.50,000/- with one surety in the like amount and also subject to the condition of depositing 20% of the compensation amount by the petitioner within 60 days as per the provision contained in Section 148 of NI Act.

3. Learned counsel for the petitioner *inter alia* contends that the learned lower Appellate Court failed to appreciate the facts in the right perspective and imposed the condition to deposit 20% of the compensation amount and such a condition is illegal, arbitrary and in violation of the law as laid down by the Hon'ble Supreme Court in ***Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. and others, 2023 (10) SCC 446***. Speaking through Justice Abhay S. Oka, it has been held as follows:-

“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 a petitioner 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 4 conclusion must be recorded.”

4. Learned counsel for petitioner has further drawn attention of this Court to the operative part of the impugned order and submits that the order passed is not in spirit of the dicta laid down by the Hon’ble Supreme Court in *Jamboo Bhandari’s case (supra)* rather is passed in a mechanical manner without recording its reasons to come to the conclusion as to its satisfaction regarding existence or non-existence of exceptional circumstances to waive the condition of deposit of 20% of the compensation amount.

5. Having heard learned counsel for the petitioner and after perusing the judgment passed in *Jamboo Bhandari’s case (supra)* and the impugned order, the learned Appellate Court was required to pass a speaking order while recording its reasons to come to the conclusion as to its satisfaction regarding existence or non-existence of exceptional circumstances for waiving the condition of deposit of 20% of the compensation amount.

6. Consequently, the impugned order dated 27.02.2025 (Annexure P-2) is hereby set aside to the extent of imposing the condition of depositing 20% of compensation amount. The learned lower Appellate Court concerned is directed to re-examine the matter after granting an opportunity to the petitioner to make submissions regarding the exceptional circumstances and pass a speaking order as to whether it is an appropriate case that warrants



waiver of the requirement of deposit of 20% of the compensation awarded by learned trial Court or not.

7. The matter is remanded back to the learned lower Appellate Court concerned with a direction to decide the matter afresh in accordance with law in the light of judgment passed by the Hon'ble Supreme Court in *Jamboo Bhandari's case (supra)*.

8. The petition is disposed of accordingly.

9. All pending miscellaneous application(s), if any, stands disposed of.

20.03.2026

Poonam Negi

**(MANDEEP PANNU)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*