IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 1254 of 2026
Date of Decision: 05.11.2026

Jagat Singh ...Petitioner

Versus

State of Himachal Pradesh & Anr. ...Respondents

Coram
Hon'ble Mr Justice Chirag Bhanu Singh, Judge.
Whether approved for reporting?[1]

For the Petitioner : Mr. Shayam Singh Chauhan, Advocate.

For the Respondents : Mr. Lokender Kutlehria, Additional Advocate General, for respondent No.1/State.

Mr. Narender Singh, Advocate, for respondent No.2.

Chirag Bhanu Singh, Judge (Oral)

Notice. Mr. Lokender Kutlehria, learned Additional Advocate General & Mr. Narender Singh, Advocate, appear and waive service of notice on behalf of respondent No.1 and respondent No.2, respectively.

2. The petitioner has invoked the inherent jurisdiction of this Court under Section 528 of Bharatiya Nagrik Suraksha

[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

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Sanhita (in short "BNSS") impugning the order dated 28.10.2026 passed by learned Additional Sessions Judge, Paonta Sahib, District Sirmaur, HP whereby his application for extension of time to deposit the 20% of the compensation amount and to furnish personal as well as surety bonds before the learned trial Court stands dismissed.

4. The petitioner came to be convicted and sentenced by the learned trial Court i.e. Judicial Magistrate First Class, Shillai, District Sirmaur, vide order dated 05.03.2026, whereby he was sentenced to undergo simple imprisonment for three months and to pay compensation amounting to Rs. 1,00,000/-.

5. Feeling aggrieved and dissatisfied, the petitioner had filed an appeal before the learned Additional Sessions Judge, Paonta Sahib, District Sirmaur and vide an order dated 28.10.2026, the execution and operation of the sentence passed by the learned trial Court was suspended subject to the petitioner depositing 20% of the compensation amount before the learned trial Court within two months and on furnishing of his personal bonds in the sum of Rs. 20,000/- with one surety of the like amount.

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6. Apparently, the petitioner did not deposit the compensation amount, and eventually he came to be arrested on 17.09.2026. Thereupon an application for seeking extension of time was preferred before the learned Additional Sessions Judge, the same came to be dismissed and hence the present petition.

7. I have heard the learned counsel for the parties and gone through the records meticulously.

8. The only ground espoused by the petitioner was that due to financial crisis, he could not arrange the 20% of the compensation amount and as such, he defaulted in making the payments within the stipulated period. In this behalf, he had also made averments before the learned First Appellate Court that he could not comply with the orders passed due to financial crisis. Over and apart, he being the only earning member could not make the arrangements as he was merely a daily wager.

9. The learned First Appellate Court constrained as it was because of the statutory provisions of Section 148 itself, whereby it is postulated that the amount has to be deposited within 60 days from the date of the order or within a further

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period not exceeding 30 days and that too on sufficient cause being shown by the appellant.

10. The learned First Appellate Court thus while dismissing the application preferred by the petitioner held that the period could not be extended beyond 90 days. The Court probably was not even satisfied that there was any other reasonable cause to extend the compliance of its earlier order, keeping in view the delay occasioned in filing the application.

11. Having considered the contentions so made by the learned counsel, no doubt, the statutory provisions envisaged under Section 148 of the Act are clear and unambiguous, however, this section does provide that on sufficient cause being shown, the time can be extended. Keeping in view the fact that the amount involved was indeed around Rs. 1,00,000/-, it would have been difficult for a person to collect the aforesaid amount, he being a daily wager. Since the petitioner was reported to be in financial crises, it would be in the interest of justice and fair play that some reasonable opportunities is afforded to the petitioner to deposit the amount. The procedural requirements are to advance the cause of justice, not to thwart it. No effective

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purpose will be served in keeping the petitioner behind the bars, when he is willing to deposit the amount, though belatedly. Thus seeing to the peculiar circumstances emerging on record, the present petition is allowed. As a sequel, the impugned order dated 28.10.2026 passed by the learned First Appellate Court is quashed and set aside and the petitioner permitted to deposited the 20% of the compensation amount and to furnish the requisite bail bonds as directed by the learned First Appellate Court i.e. learned Additional Sessions Judge, Paonta Sahib, District Sirmaur vide its order dated 28.10.2026 within a period of four weeks from today.

12. The petition is disposed off in the aforesaid terms, it goes without saying that on the compliance of the same, the petitioner shall be released forthwith.

13. The petition is disposed off in the aforesaid terms, so also the pending miscellaneous applications, if any.

(Chirag Bhanu Singh)
Judge

05th November, 2026
(Shamsh Tabrez)

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