

**201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRR-4078-2012 (O&M)****Date of Decision: March 18, 2025****Harmanpreet Singh****...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Namit Gautam, Advocate for the petitioner.

Mr. Rajeev K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Petitioner – Harmanpreet Singh as convicted under Section 138 of the Negotiable Instruments Act, 1881 by the Court of learned Special Judge, Kapurthala, vide judgment dated 02.06.2010 on a complaint filed by Baldev Singh (respondent No.2 herein) for dishonour of a cheque for an amount of ₹70,000/-. Petitioner was sentenced to undergo rigorous imprisonment for a period of 06 months and also to pay fine of ₹5,000/- with default sentence of one month. The appeal as filed by the petitioner was dismissed by the First Appellate Court on 10.12.2012.

2. Petitioner has approached this Court by way of present revision petition.

3. Today, on instructions obtained from the petitioner telephonically, statement is made by learned counsel for the petitioner so as to withdraw the petition against conviction. However, he confines his prayer for modifying the order of sentence by sentencing the petitioner for the period already undergone by him, considering the small amount of the cheque and the fact that the matter has been settled, as per the observations made by this Court in the order dated 07.01.2013 and due to which the complainant-respondent No.2 was not appearing.

4. Learned State counsel though has no objection to accept the aforesaid prayer, but disputes the factum of compromise.

5. The custody certificate placed on record would reveal that the petitioner has already undergone actual custody of 01 month.

6. Complainant-respondent No.2 was duly served, as reported by the Registry, but he has not come forward so as to contest the revision.

7. Considering the aforesaid facts and circumstances, particularly the cheque amount, the period already undergone by the petitioner, the fact that the conviction was recorded way back in 2010, i.e. 15 years back, I accept the prayer made by learned counsel for the petitioner. By maintaining the conviction, the order of sentence as passed by the trial Court is modified to the extent that the petitioner is sentenced to imprisonment to the period already undergone by him. As far as the fine is concerned, it will remain same.

Disposed of accordingly.

March 18, 2025

sarita

**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No