

CRR-2547-2014

2025:PHHC:141597

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

**CRR-2547-2014**

**Date of Decision:- 14.10.2025**

**HARJIT SINGH SIDHU**

.....Petitioner.

Vs.

**SURJIT KUMAR SHARMA**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. H.S. Randhawa, Amicus Curiae  
for the petitioner.

Ms. Mehak Sawhney, Legal Aid Counsel  
for the respondent.

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**JASJIT SINGH BEDI, J.**

The present revision petition has been filed impugning the judgment dated 11.08.2014 passed by the Additional Sessions Judge, Tarn Taran whereby the appeal filed against the judgment of conviction and order of sentence dated 23.03.2013 passed by the Sub Divisional Magistrate, Patti has been dismissed.

2. The brief facts of the complaint case are that the accused/petitioner obtained a friendly loan of Rs.18.00 lacs for business purposes and on demand, he issued a cheque bearing No. 707637 dated 29.8.2009 in favour of the complainant/respondent, to discharge his liability. The complainant/respondent presented the cheque at the Punjab National Bank, branch Court Road, Patti, but the same was returned unpaid due to insufficient funds vide memo dated 26.02.2010. The complainant/respondent served a legal notice dated 22.03.2010 through his counsel, calling upon



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accused/petitioner to make the payment of the cheque amount within 15 days from the receipt of the notice. However, the accused/petitioner did not accept the notice with malafide intention and the same was received back with the report that the accused/petitioner had gone out of Punjab. The complainant/respondent led preliminary evidence and after considering such evidence, the accused/petitioner was summoned to face trial for the offence under section 138 of N.I. Act. On appearance of the accused/petitioner, a notice stating substance of accusation for the offence punishable under section 138 of N.I. Act was served upon accused/petitioner, to which he pleaded not guilty and claimed trial.

3 To prove his case, the complainant/respondent examined himself as CW1 and tendered his affidavit Ex. CW1/A and further examined. Sh. R.K. Goel, Manager, Punjab National Bank as CW2, who tendered his affidavit Ex. CW2/A. Thereafter, the evidence on behalf of the complainant/respondent was closed.

4 The statement of the accused/petitioner was recorded under section 313 CrPC. He denied the allegation and pleaded false implication. The accused/petitioner took the specific plea that he along with the complainant/respondent-Surjit Kumar Sharma and Harjinder Singh were working in G.G. Dairy Ltd. Company as commission agent/ member/ cashier. The cheques were not issued by him and he had no concern with the complainant/respondent or Harjinder Singh. In defence, he examined himself as DW1 and tendered his affidavit Ex. DW1/A and further examined Dilbagh Singh as DW2 and Balwinder Singh as DW3, who tendered their affidavits Ex. DW2/A and Ex. DW3/A. Thereafter, he closed his defence evidence after tendering some documents.



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5. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the court of the Sub Divisional Magistrate, Patti vide judgment and order of sentence dated 23.03.2013 as under:-

<b>Offence under Section</b>	<b>Sentence RI/SI</b>	<b>Fine</b>	<b>RI/SI in default of payment of fine</b>
138 of NI Act	RI 01 year	Rs.2000/-	RI 01 month

6. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Tarn Taran vide judgment dated 11.08.2014.

7. The aforementioned judgments are under challenge in the present petition.

8. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 31.10.2014.

9. The Amicus Curiae for the accused/petitioner contends that the accused/petitioner was working as a Cashier in M/s G.G. Dairy India where the complainant/respondent and one Harjinder Singh were working as commission agents. Two blank cheques which were taken by the accused/petitioner at the time of getting employment have been misused. There is no evidence that the complainant/respondent had the financial capacity to advance a loan of Rs.18,00,000/-. Be that as it may, in case this Court comes to the conclusion that the offence stands established beyond doubt, then the sentence of the accused/petitioner be reduced to the period already undergone by him as the revision petition was filed way back in the year 2014.

10. The Legal Aid Counsel representing the respondent/complainant, on the other hand, contends that the commission of the offence



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stands established beyond doubt. The documents referred to by the accused/petitioner cannot be relied upon. The nature of the allegations are such that if this Court was to come to the conclusion that the conviction was to be upheld, then the sentence of the petitioner/accused ought not to be reduced.

11. I have heard learned Counsel for the parties.

12. Although the accused/petitioner has taken a defence that the two blank cheques were taken by the firm at the time of his getting employed and later on, one of the cheques was misused by the complainant/respondent of this case and certain documents have been placed on record in support of his defence, however such documents which have not been proved in accordance with law cannot be accepted as valid evidence. The agreements Ex. D.1 and Ex. D.2 are photostat copies and similarly Ex. C.6 to Ex. C.10 and certain receipts do not bear the signatures of its issuing authorities. Further, such documents have not come on record from proper custody and in such circumstances, no reliance can be placed on these documents. On the other hand, there is cogent evidence of the complainant/respondent, who besides himself also examined the Manager of Punjab National Bank. The complainant/respondent also proved through his affidavit that in fact the accused/petitioner had taken a friendly loan of Rs.18.00 lacs for business purposes and on demand, the accused issued cheque Ex.C.1, which was dishonoured due to insufficient funds vide memo Ex. C.2. A registered notice Ex. CW3 was served upon the accused/petitioner within limitation vide postal receipt Ex. CW4 and Ex. CW5. The complainant/respondent also proved the acknowledgement Ex. CW6 and memo of PNB Ex. CW7. Such oral as well as documentary



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evidence from the side of the complainant/respondent is sufficient to conclude that the accused/petitioner issued the cheque in favour of the complainant/respondent in discharge of his legal liability and the said cheque was dishonored on account of insufficient funds and then a legal notice was served upon the accused/petitioner. Keeping in view the evidence lead it cannot be accepted that such cheque was misused by the complainant/respondent and in fact, it was given as a security.

13. The complainant/respondent has also furnished an explanation of his paying capacity by disclosing in his cross-examination that he was an agriculturalist and was running a Karyana shop. Nothing was asked on behalf of the accused/petitioner, regarding the income of the complainant/respondent, during cross-examination of the complainant/respondent.

14. In the given set of circumstances, no fault can be found with the impugned judgments and therefore, the present revision petition stands dismissed.

15. As regards the imposition of sentence pertinently, the sentence imposed is in any case on the lower side and therefore, while upholding the conviction of the accused/petitioner, the question of reducing the sentence does not arise. Therefore, the prayer for reduction of sentence is also declined.

**( JASJIT SINGH BEDI )  
JUDGE**

**14.10.2025**

Jitesh

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>