



CRR-1206-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1206-2023 (O&M)
Date of Decision: 13.08.2025

Narinder Kumar

...Petitioner

Versus

Sangeeta Bedi

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Tanu Bedi, Advocate
for the petitioner.Ms. Himani Kapila, Advocate
for the respondent.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

Case No.	Complaint No.09 CIS No. nact-149-2016 PBGD030006172016 Date of Decision: 22.09.2019
Names of accused/ convicts/ appellants	Narinder Kumar
Conviction under sections	138 of NI Act
Sentence imposed	RI for 02 years and fine of Rs.10,000/-

Criminal Appeal No.	18/25.02.2019 CIS No. CRA No.84 of 2019 CNR No. PBGD01-004260-2019
Date of Decision	15.04.2023

1. Petitioner who was convicted under Section 138 of Negotiable Instruments Act and sentenced to imprisonment for 02 years and pay fine of Rs.10,000/- vide judgment/order of sentence dated 22.02.2019 passed by JMIC, Gurdaspur and after dismissal of his appeal vide judgment dated 15.04.2023, petitioner has come up before this Court by filing the present revision petition under Section 401 CrPC.

2. Petitioner is in custody in the present case from 13.05.2025 i.e. more than 03 months and his sentence has not been suspended so far.

3. The matter was taken up yesterday and counsel for the complainant submits that they could not file an appeal challenging that portion of the judgment/sentence where while convicting and passing order of sentence, no compensation was imposed on the



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convict. She further submits that since a lot of delay has happened and even the appeal was dismissed by the Sessions Court. Thereafter, sentence awarded by trial Court is justified as there is no order of compensation and they have strong objection to reduction of sentence. If such prayer is made on merit, there is no ground for petitioner for setting aside of judgment. She further submits that she would have no objection if the matter is remanded back to the trial Court, provided the same is only for the purpose of hearing on the point of sentence. However, counsel for the petitioner submits that in case the matter is remanded back, there is possibility that now compensation would be awarded. Sentence to the petitioner in this case is already on higher side. She on instructions submits that she has no objection if after setting aside judgment of conviction and order of sentence, matter is remanded back for final hearing.

4. Considering that the purpose and objective of Negotiable Instruments Act is to recover the cheque amount, as such in a criminal trial while deciding the case, the trial Court although convicted the accused but did not impose any compensation and complainant is aggrieved as her amount is still unrecoverable. It is appropriate case where request of the complainant is accepted and matter is remanded back to the trial Court for hearing afresh from the stage of arguments.

5. Counsel for the petitioner and complainant are ad idem if matter is remanded back to trial Court for hearing afresh final arguments on merit by setting aside judgment of conviction and order of sentence. Petitioner and complainant undertake that they would not lead any further evidence.

6. Given the above submissions, the present petition is allowed and judgment of conviction and order of sentence are set aside and matter is remanded back to trial Court for hearing afresh from the stage of final arguments.

7. None of the parties shall be allowed to lead any evidence and for that purpose, matter be treated as mature and trial Court shall proceed for hearing from the stage of final arguments.

8. Since the conviction is set aside and pending offence is bailable, as such petitioner who is in custody be released on furnishing personal bonds to the satisfaction of the trial Court. On the date of appearance, the trial Court may take fresh surety bonds.

9. Let the parties appear before the trial Court on 25.08.2025.

10. The petitioner undertakes to appear before the trial Court, if does not do so, a legal aid counsel be appointed on his behalf and proceeds further for final hearing.



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11. Needless to say that the observations made in this order shall not be referred or construed to be an opinion on merits of the case. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.