



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

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**CRR-1503-2012 (O&M)  
Date of decision: 19.05.2025**

Narinder Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Avijit Singh, Advocate (Amicus Curiae)  
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

None for respondent No.2.

**HARPREET SINGH BRAR J. (Oral)**

1. This revision petition has been preferred against the judgment dated 09.12.2011 passed by the learned Additional Sessions Judge (Adhoc) Fast-track Court, Rupnagar, vide which judgment of conviction and order on quantum of sentence dated 28.11.2007 passed by the learned Judicial Magistrate Ist Class, Ropar, in complaint filed under Section 138 of the Negotiable Instruments Act, 1881, have been upheld.

2. The petitioner was convicted by the learned trial Court vide judgment of conviction dated 28.11.2007 and sentenced to undergo rigorous imprisonment for a period of 02 years and to pay fine of Rs.5,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 03 months. It was further ordered that the petitioner



will pay compensation under Section 357 of Cr.P.C., to the tune of Rs.3.00 lacs to the complainant.

3. Learned *amicus curiae*, *inter alia*, contends that both the learned Courts below have failed to appreciate the fact that the cheque was misused by the complainant, which was not issued for any enforceable liability. It is further submitted that the petitioner was not acquainted with the complainant and has not issued any cheque to him instead he has given four blank cheques as security to one Jaspal Singh in lieu of one plot. The said Jaspal Singh is the brother-in-law of the complainant and after misusing the cheque, in question, the petitioner has been falsely implicated. Further the complainant has not led any evidence to prove his capacity to lend the amount, in question and he has filed 4-5 similar complaints against other persons also. Lastly, he submits that the petitioner has already undergone a period of 07 months and 16 days, as on 26.07.2012 and is not involved in any other criminal activity. He also submits that the fine of Rs.5,000/- as imposed by learned trial Court has already been deposited by the petitioner with the learned Additional Sessions Judge, Rupnagar, at the time of filing the appeal.

4. *Per contra*, learned State counsel opposes the prayer of the petitioner on the ground that the learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned Lower Appellate Court and as such, the petitioner does not deserve any leniency.



5. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the petitioner was convicted under Section 138 of the NI Act, for which no minimum punishment has been prescribed. As per the custody certificate, the petitioner is not involved in any other case and has already undergone an actual sentence of 07 months and 16 days out of total sentence of 02 years, in the instant case. Since there is no minimum punishment prescribed under Section 138 of the NI Act, this Court is of the opinion that it would be in the interest of justice, if the sentence awarded to the petitioner is reduced to the period already undergone by him.

6. In *Deo Narain Mandal Vs. State of UP, (2004) 7 SCC 257*, a three-Judge Bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner, in which the offence is committed, age of the accused, should be considered, while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.



7. Further, a two-Judge Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP, AIR 2017 SC 1166*, has reiterated that the imposition of sentence also serves a social purpose, as it acts as a deterrent by making the accused realise the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

8. A perusal of the judgment of conviction passed by the learned Court below indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. The complaint in the present case was registered on 16.07.2004 and the petitioner has been suffering the agony of trial since the last more than 20 years. Since his conviction, the petitioner has grown into a law-abiding citizen and desires to live a peaceful life.

9. Consequently, the present revision petition is disposed of in the following terms:-

- (i) The judgment dated 09.12.2011 passed by the learned Additional Sessions Judge (Adhoc) Fast-track Court, Rupnagar, affirming the judgment of conviction dated 28.11.2007 is upheld.***
- (ii) The order of sentence is modified to the extent that the***



*sentence of rigorous imprisonment for a period of 02 years and fine along with default mechanism awarded to the petitioner is reduced to the period of sentence already undergone by him.*

*(iii) Respondent No.2 would be at liberty to recover the compensation amount from the petitioner as per law.*

10. The High Court Legal Services Authority is directed to pay remuneration to learned *Amicus Curiae* as per rules.

11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**19.05.2025**  
*yakub*

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No