

Daleep Singh Vs. PNB & Anr.

Cr. MP No. 5867 of 2025

31.12.2025 Present: Mr. Jagat Pal, Advocate, for the applicant/petitioner.

Mr. Arvind Sharma, Advocate, for respondent No.1

Mr. Lokender Kutlehria, Additional Advocate General, for respondent No.2/State.

Petitioner, Daleep Singh, has filed the instant application under Section 528 of the Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023, read with Section 147 of the Negotiable Instruments Act, for compounding of the offence, leading to affirmation of conviction and sentence in terms of the order dated 09.07.2025 passed in Criminal Revision Petition No. 683 of 2024, titled ***Daleep Singh vs. PNB & Anr.***, with the prayer for permitting compounding of the offence, in view of the fact, that the Petitioner-Accused has repaid the entire loan amount, for which the Respondent-Complainant Bank has issued "No Objection Certificate" (NOC) on 18.12.2025 (Annexure P-4 Colly.) with the prayer for acquitting the Petitioner-Accused herein.

2. The instant application has been listed on a mention memo allowed on 29.12.2025.

3. Briefly, the case as set up, in the instant application, is that the Respondent-PNB, Branch Office Badhu, District Mandi, had filed a complaint under Section 138 of the Negotiable Instruments Act (NI Act) against the present petitioner, Daleep Singh, which was allowed, leading to the conviction and sentence of the Petitioner-Accused herein on 30.04.2024 [Annexure A-2] by Learned Judicial Magistrate First Class, Chachiot at Gohar [District Mandi] in Criminal Case No. 176-1 of 2019/50-III/2021, titled **Punjab National Bank vs. Daleep Singh**, for a period of six months and was also held liable to pay compensation of Rs. 13,00,000/-, and in default of payment of compensation, the Petitioner-Accused was further directed to undergo simple imprisonment for one month.

4. Feeling aggrieved, against the judgment passed by the Learned Judicial Magistrate First Class on 30.04.2024 (Annexure A-2), the petitioner filed an appeal i.e., Criminal Appeal No.63 of 2024 before Learned Sessions Judge, Mandi Division, Mandi, H.P.

but the same was dismissed on 03.09.2024 (Annexure A-3).

5. Feeling aggrieved against the judgment passed by the learned Judicial Magistrate First Class, Chachiot at Gohar, District Mandi, H.P., which was upheld by Learned Sessions Judge, Mandi Division, Mandi [H.P.], the Petitioner - Accused filed a Criminal Revision No. 683 of 2024, which was dismissed on 09.07.2025 (Annexure A-1). After affirmation of judgment(s) of conviction and sentence, the Petitioner/Accused was taken into judicial custody and lodged in District Jail, Mandi, on 08.12.2025.

Perusal of the application reveals that the Petitioner/Accused managed the amount and discharged the the entire liability under One Time Settlement Scheme on 18.12.2025 and in view of the remission of amount the Respondent/PNB had issued NOC to the petitioner on 18.12.2025 (Annexure A-4 Colly.). It is in this backdrop, that the instant application has been filed, seeking compounding of offence; with the prayer for setting aside the conviction and sentence, as entire liability stands remitted. It is further averred in Para No. 6 that the Petitioner-

Accused has school-going children and has to manage the affairs of his elderly ailing parents. The Petitioner-Accused has further relied upon the judgment dated 03.4.2025 (Annexure A-5) passed by the Coordinate Bench of this Court, in **Cr.MP No. 1076 of 2025, Praveen Bhardwaj vs. Meera**, filed in **Cr. Revision No. 182 of 2020** [Annexure A-5], wherein, after replying upon the judgment passed by the **Hon'ble Supreme Court** in **K. Subramanian vs. Ra Rajathi (2010) 15 SCC 352**, and other judgments, this Court has permitted compounding of offence, by setting aside the conviction and sentence, in cases where the liability is discharged and the petitioner has prayer for same relief.

7. Upon listing of application, Learned Counsel for Respondent No.1-PNB, on Instructions, states that Respondent No.1-PNB has received the entire liability and nothing more is required to be received from the petitioner as of today, so far as it relates to the cheque in dispute, in the instant case. He further reaffirms the issuance of the NOC (Annexure A-4 Colly.).

8. Learned counsel for Respondent No.1-PNB fairly submits that since the amount in question, as per the NOC, has been received by Respondent No.1-PNB therefore, the Respondent-Complainant Bank has no objection, to the grant of the prayer, for compounding of the offence and for setting aside of the conviction and sentence in the instant case.

9. Taking into account the entirety of the facts and circumstances of the case, this Court is of the considered view that, though the proceedings under the Negotiable Instruments Act are criminal in nature but with a civil intent and once the liability stands discharged/remitted which is not disputed, therefore, the Petitioner-Accused herein cannot be made to suffer the sentence any further. The right of the Petitioner-Accused to seek setting aside of conviction and sentence, has to be viewed from a reformatory angle, when, the fastened liability stands discharged/remitted and therefore and the stigma cannot operate endlessly. Moreover, no fruitful purpose would accrue when the liability stands remitted/discharged and nothing more is due to the

Respondent-Complainant-Bank so far as it relates to the cheque in issue, in instant case from the petitioner.

10. In view of above discussion and the judgment passed by the Coordinate bench of this Court in the case **Parveen Bhardwaj (supra)**, which, in principle applies to facts of this Court, application is *allowed in the following terms:-*

*“(i) Judgment passed by Learned Judicial Magistrate First Class, Chahiot At Gohar, District Mandi, Himachal Pradesh, in **Case No.176-I/2019/ 20-III/2021, decided on 30.04.2024**, as affirmed by learned Sessions Judge, Mandi Division, Mandi, Himachal Pradesh, in **Criminal Appeal No. 63 of 2024, dated 03.09.2024**, are set aside;*

*ii) Judgment passed by this Court in **Cr. Revision No. 683 of 2024, decided on 09.07.2025**, shall no longer operate against the petitioner, when the judgments passed by Learned Judicial Magistrate First Class, Chahiot At Gohar, Distict Mandi, Himahcal Pradesh & learned Sessions Judge, Mandi Division, Mandi, Himachal Pradesh, in **Criminal Appeal No. 63 of 2024, dated 03.09.2024**, are quashed and set aside;*

iii) Accused is acquitted of the accusation offence so far as it relates to the cheque in question in instant case;

iv) States Authorities are directed to release the petitioner from District Jail, Mandi, Himachal Pradesh; [where he is lodged since 08.12.2025]

forthwith if not required in any other case/offence;

v) Learned Trial Court to take necessary steps, including issuance of release warrants, in accordance with law.”

In aforesaid terms the instant application stands disposed of.

31st December, 2025
(Shamsh Tabrez)

(Ranjan Sharma)
Judge