

233 (3 Cases)

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

CRR-1449-2017 (O&M)

Date of Decision: 23.08.2017

PARAMJIT SINGH

... Petitioner

VS.

STATE OF PUNJAB AND ANOTHER

...Respondents

CRR-1450-2017 (O&M)

... Petitioner

PARAMJIT SINGH

VS.

STATE OF PUNJAB AND ANOTHER

...Respondents

CRR-1451-2017 (O&M)

... Petitioner

PARAMJIT SINGH

VS.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Veneet Sharma, Advocate
for the petitioner(s).

Mr. Arpinder Singh Sidhu, DAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest?*

KULDIP SINGH, J (ORAL)

By this single order, I will dispose of above mentioned three connected revision petitions bearing CRR No. 1449, 1450 and 1451 all of 2017 arising out of the similar facts.

The short prayer of the learned counsel for the petitioner at the time of arguments is only for concurrent running of the sentences awarded to the accused-petitioner under Section 138 of the Negotiable Instruments Act, 1881 in three different complaint cases.

It comes out that a complaint No. 25144 of 2013 which was filed by Bhagat Singh Son of Gurdit Singh claiming that friendly loan of ₹2,00,000/- was advanced to the accused-petitioner Paramjit Singh and in order to discharge the said liability, accused-petitioner had issued a cheque No. 054501 dated 25.07.2013 amounting ₹2,00,000/- which was dishonoured

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with remarks “opening balance insufficient”. In the said case, the accused-petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹ 4,000/-, in default thereof to further undergo simple imprisonment for three month vide judgment of conviction and order of sentence dated 14.10.2015 passed by the Judicial Magistrate Ist Class, Amritsar.

In the second complaint case No. 22808 of 2013, which was filed by Amarjit Singh S/o Bhagat Singh claiming that friendly loan of ₹1,50,000/- was advanced to the accused-petitioner Paramjit Singh and in order to discharge the said liability, accused-petitioner had issued a cheque No. 019823 dated 26.02.2013 amounting to ₹1,50,000/- which was also dishonoured and the accused-petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of ₹2,000/-, in default thereof to further undergo simple imprisonment for three months vide judgment of conviction and order of sentence dated 17.10.2015 passed by the Judicial Magistrate Ist Class, Amritsar.

In the third complaint case bearing No. 6437 of 2013, which was filed by Ram Singh S/o Bhagat Singh who is stated to be the father-in-law of the complainant Amarjit Singh claiming that friendly loan of ₹2,00,000/- was advanced to the accused-petitioner Paramjit Singh and in order to discharge the said liability, accused-petitioner had issued a cheque No. 019837 dated 26.02.2013 amounting to ₹2,00,000/- which was also dishonoured in which the accused-petitioner has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to undergo rigorous

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imprisonment for six months vide judgment of conviction and order of sentence dated 08.08.2014 passed by the Judicial Magistrate Ist Class, Amritsar.

In the appeals filed before the learned Additional Sessions Judge, Amritsar against all the three judgements of conviction and order of sentences, judgments of the trial Court were upheld.

Learned counsel for the accused-petitioner pleads before this Court that all the three complainants are belonging to the same family. Since, it was a case of advancement of friendly loan, therefore, the short prayer of the learned counsel for the petitioners is for ordering the concurrent running of the sentences awarded to the petitioner in all the three complaint cases as mentioned above.

Custody Certificate dated 23.08.2017 filed in the Court today shows that the accused-petitioner has undergone the total sentence of one year awarded to him in one complaint case and thereafter, he has also undergone a sentence of six months and seven days in second complaint case. In the third case, the sentence is yet to begin.

Keeping in view the fact that it was a case of loan within the same family, the prayer of the learned counsel for the petitioner is allowed and the sentences awarded to the petitioner in all the three complaint cases are directed to run concurrently. Consequently, the petitioner, Paramjit Singh be released forthwith, if not required in any other case.

August 23, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	✓ Yes / No