

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

CRR-2910-2017

Date of Decision:26.02.2018

Jagraj Singh

.....Petitioner

Vs.

Punjab and Sind Bank

...Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Rajesh Bhatheja, Advocate,
for the petitioner.

Mr.A.S.Kakkar, Advocate,
for respondent no.1-Bank

Mr. J.S.Walia, Senior Deputy Advocate General, Punjab.

AMOL RATTAN SINGH, J. (Oral)

When this Court was not inclined to interfere on merits, in the judgments of the learned Courts below, in view of the fact that the cheque in question was in discharge of a loan taken by the petitioner from the respondent complainant, i.e. the Punjab and Sind Bank, learned counsel reiterates that the petitioner is about 70 years of age and therefore, he restricts his arguments to the question of the quantum of sentence alone.

That being so and it not being denied by learned counsel for the respondent Bank that the petitioner was atleast 67 years old at the time of filing of the complainant in the year 2016, thereby making him about 69-70 years old as of today, with no other criminal antecedents of the petitioner reflected in the custody certificate filed in Court by the learned State counsel, which also shows that the petitioner has undergone 10 months and 12 days of actual custody, I consider it appropriate that the petition be allowed to the extent that the sentence imposed upon him by the learned trial Court, upheld

by the learned appellate Court, is reduced to the extent of imprisonment already undergone by him, subject to his payment of Rs.10,000/- imposed by those Courts on him by way of a fine, failing which he would undergo the 'default imprisonment' of one months' simple imprisonment.

Therefore, upon the petitioner paying Rs.10,000/- aforesaid as fine, he shall be released from custody immediately.

However, nothing stated hereinabove will be construed to be any comment by the Court in respect of any civil proceedings instituted by the respondent Bank, seeking recovery of the loan stated to have been advanced to the petitioner.

Disposed of.

February 26, 2018

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO