

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

**CRR-2717-2014 (O&M)
Date of Decision : 14.07.2021**

Sarabjeet Singh Bhalla

....Petitioner

Versus

Punjab National Bank and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Cooner, Advocate
for the petitioner.

Mr. Arvind Rajotia, Advocate
for respondent No.1-Bank.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in the main revision petition is for setting aside the judgment of conviction dated 16.11.2011 and order of sentence dated 18.11.2011, passed by the trial Court, vide which, the petitioner was held guilty for commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short 'N. I. Act') and was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs. 3,00,000/- as compensation with default clause as well as the judgment dated 28.08.2014, vide which, the appeal filed by the petitioner was dismissed by the lower appellate Court.

This petition is pending since 2014.

The petitioner was convicted under Section 138 of the N. I. Act for dishonouring of a cheque dated 25.10.2007 for Rs.1,50,000/- and was sentenced to undergo simple imprisonment for a period of 02 years under Section 138 of the N.I. Act and further to pay a compensation of Rs.3,00,000/-.

In the appeal filed by the petitioner, the conviction of the petitioner was upheld, however, the sentence was reduced from 02 years to 01 year, vide

impugned judgment dated 28.08.2014 passed by the Additional Sessions Judge, Ambala.

Learned counsel for the petitioner submits that, thereafter, an application was moved on behalf of the petitioner for settlement of a loan amount and an amount of Rs.6,00,000/- in cash was deposited on 26.09.2014 vide receipt P-2 and another amount of Rs.30,000/- was deposited on 29.09.2014 (P-3) with Punjab National Bank, Sector-17 Branch, Chandigarh.

Learned counsel for the petitioner further submits that in terms of one time settlement, the Chief Manager, Punjab National Bank on 30.09.2014 has issued a letter regarding settlement of the account of the petitioner.

Learned counsel for respondent No. 1-Bank does not dispute that aforesaid amount has been paid to the Bank.

In view of the above, it is submitted by learned counsel for the parties that the present petition be allowed and the offence be compounded in view of the provisions of Section 147 of the N. I. Act.

It has been held by Hon'ble Supreme Court in **2018 (1) R.C.R. (Criminal) 971, Sri Ashish Subba vs. Manoj Kumar Agarwal and another** that when the parties have amicably settled their dispute, the conviction and sentence of the accused, under Section 138 of the N.I. Act, can be set aside.

Accordingly, the present petition is allowed and the judgment of conviction dated 16.11.2011 and order of sentence dated 18.11.2011, passed by the trial Court as well as the judgment dated 28.08.2014 passed by the lower appellate Court are set aside.

14.07.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No