

S. No.258

2025:PHHC:112348



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

CRR No.971 of 2023 (O&M)

Date of Decision:25.08.2025

Dilsher Singh

.....Petitioner

Vs.

Indusind Bank Ltd. And another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Aman Pal and Rishabh Chaudhary, Advocates
for the petitioner.

Mr. S.K. Sharma, Advocate for respondent No.1.

Ms. Vasundhara Anand, Sr. DAG, Haryana.

Yashvir Singh Rathor, J. (Oral)

Petitioner has been convicted by the Court of learned Judicial Magistrate Ist Class, Karnal vide judgment dated 14.12.2017 in Criminal Complaint No.2115 of 2016 dated 17.08.2016 under Section 138 of NI Act. Petitioner - Dilsher Singh along with one Basau Ram had taken loan of Rs.5,00,000/- from the respondent- Bank for purchasing the Volkswagen POLO Car on the assurance of repayment of loan in instalments. However, the petitioner defaulted in repayment of loan amount and the matter was referred to arbitration. The accused and Basau Ram failed to appear before Arbitrator despite due opportunity, which led to passing of ex parte award on 30.03.2016 for Rs.2,02,005/- along with interest @ 18% per annum w.e.f. 05.11.2015 till its realization along with an amount of Rs.1000/- towards the costs of the award proceedings. In discharge of this liability, the accused issued Cheque No.805830 dated 07.06.2016 for Rs.1,62,215/- drawn at Bank of Patiala, Branch Jind in favour of complainant bank with the assurance of encashment on presentation but the same was again dishonored vide return memo dated 10.06.2016.



Complainant got served a legal notice dated 08.07.2016 calling upon him to pay the cheque amount within 15 days of the date of the receipt of the notice. However, the petitioner neither replied to the notice nor paid the cheque amount. He was sentenced to undergo rigorous imprisonment for a period of one year and to pay cheque amount of Rs.1,62,215/- to the complainant as compensation for commission of offence punishable under Section 138 of NI Act. In default of payment of compensation within the afore-said period, the petitioner was sentenced to undergo rigorous imprisonment for five months. Appeal filed by him was dismissed by the Appellate Court on 31.01.2023. On the same date, the petitioner – convict was ordered to be taken into custody and to carry out the sentence.

2. Against the afore-said conviction and sentence, this revision was filed on 10.04.2023.

3. Today learned counsel for the petitioner stated at the outset that petitioner does not press the revision against the judgment of conviction and that petitioner confines his prayer only against order of sentence. It is submitted that petitioner will be satisfied, in case he is sentenced to imprisonment for the period already undergone by him.

4. Learned counsel points out that offence pertains to the year 2015; that petitioner was young person at that time; that petitioner has already undergone sentence of 11 months and 20 days and is not involved in any other case and so, he may be sentenced to the imprisonment for the period already undergone by him.

5. Learned counsel for respondent No.1 has opposed the aforesaid prayer but it has been admitted that against loan of Rs.5 lakhs, petitioner has paid Rs.12 lakhs including interest & a sum of Rs.1.55 lakhs has been waived by the Bank.

6. The custody certificate placed on record by the respondent-State reveals that petitioner has already undergone sentence of 11 months and 20 days.



He was young person at the time of offence, which had taken place way back in 2015 i.e. more than 09 years back and he is facing the agony of trial since then. In the aforesaid facts and circumstances, it will be in the interest of justice, if the period of imprisonment is reduced to the period already undergone by the petitioner, instead of sending him behind bars in the company of hardened criminals. Since loan account has been closed, the amount of compensation is also reduced to the amount already deposited.

7. Consequently, the present revision is dismissed but the order of sentence as passed by the Appellate Court is modified and the petitioner is sentenced to imprisonment for the period already undergone by him.

8. Disposed of.

9. Pending misc. applications, if any, stand disposed of.

(Yashvir Singh Rathor)
Judge

August 25, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No