



S. No.138

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

CRM-M-59159 of 2025

Date of Decision:03.11.2025

Balinder Singh**.....Petitioner****Vs.****State of Haryana and another****.....Respondents****CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

Yashvir Singh Rathor, J. (Oral)

1. This is petition filed under Section 528 of BNSS, 2023 for quashing the order dated 01.10.2025 (Annexure P.2) passed in CRA/325/2023 dated 24.11.2023 titled as **Balinder Singh Vs. Punjab National Bank** in a criminal complaint No.NIAct/2064/2018 dated 30.10.2018 and further allowing the petitioner to deposit the remaining amount of the cheque or the amount awarded by the trial Court.

2. Upon notice, learned State Counsel has appeared. I have heard learned counsel for the parties and perused the material placed on record.

3. Learned counsel for the petitioner argued that on 01.10.2025, the appeal against judgment of conviction dated 25.10.2023 was fixed for compromise and accused had offered to pay the cheque amount and to get the offence compounded which was opposed by the Bank. Learned trial Court observed that the compounding can be allowed only if both the parties agree and compounding of offence cannot be allowed merely on the ground that accused-



appellant is ready to deposit the cheque amount and if bank refuses to accept his plea and demands the entire outstanding amount, the bank cannot be compelled to compound the offence and the application for compounding the offence was rejected. Learned counsel contended that the petitioner may be permitted to get the offence compounded or the case disposed off in view of the recent directions issued by Hon'ble Supreme Court in 2025 INSC 1158 – **Sanjabij Tari Vs. Kishore S. Borcar & Another**, as he is ready to pay the entire cheque amount. He is also ready to deposit 7.5% of the cheque amount by way of cost before the Appellate Court.

4. Hon'ble Supreme Court in **Sanjabij Tari's case (supra)**, relating to compounding of offences under Section 138 of NI Act, has issued fresh guidelines in modification of guidelines earlier issued in the judgment reported as (2010) 5 SCC 663 – **Damodar S. Prabhu Vs. Sayed Babalal H.** and has observed as under:-

“38. Since a very large number of cheque bouncing cases are still pending and interest rates have fallen in the last few years, this Court is of the view that it is time to ‘*revisit and tweak the guidelines*’. Accordingly, the aforesaid guidelines of compounding are modified as under:-

(a) If the accused pays the cheque amount before recording of his evidence (namely defence evidence), then the Trial Court may allow compounding of the offence without imposing any cost or penalty on the accused.



(b) If the accused makes the payment of the cheque amount post the recording of his evidence but prior to the pronouncement of judgment by the Trial Court, the Magistrate may allow compounding of the offence on payment of additional 5% of the cheque amount with the Legal Services Authority or such other Authority as the Court deems fit.

(c) Similarly, if the payment of cheque amount is made before the Sessions Court or a High Court in Revision or Appeal, such Court may compound the offence on the condition that the accused pays 7.5% of the cheque amount by way of costs.

(d) Finally, if the cheque amount is tendered before this Court, the figure would increase to 10% of the cheque amount.

39. This Court is of the view that if the accused is willing to pay in accordance with the aforesaid guidelines, the Court may suggest to the parties to go for compounding. If for any reason, the financial institutions/complainant asks for payment other than the cheque amount or settlement of entire loan or other outstanding dues, then the Magistrate may suggest to the Accused to plead guilty and exercise the power under Section 255(2) and/or 255(3) of the Cr.P.C. or 278 of the BNSS, 2023 and/or give the benefit under the Probation of Offenders Act, 1958 to the Accused.

5. In the present case, petitioner is ready to deposit the entire cheque amount along with 7.5% of the cheque amount as costs and accordingly, the impugned order dated 01.10.2025 is set aside and learned Appellate Court is



directed to decide the prayer made by the petitioner for compounding the offence or disposing of the appeal as the matter may be, in the light of directions issued by the Supreme Court in **Sanjabij Tari’s case (supra)**.

8. Pending applications, if any, shall stand disposed of.

(Yashvir Singh Rathor)
Judge

November 03, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No