

2026:PHHC:004572



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

201

**CRR-3247-2009 (O&M)
Date of Decision: 14.01.2026**

KULWINDER SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND ANR.

... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. A.S. Sullar, Advocate
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

None for respondent No.2.

H.S. GREWAL, J. (ORAL)

The petitioner has filed the instant criminal revision petition against the judgment of conviction and order of sentence dated 16.01.2009 passed by the then learned JMIC, Faridkot, whereby the petitioner has been convicted under Section 138 of N.I. Act, 1881 and sentenced to undergo rigorous imprisonment for two years and fine of Rs.5,000/-, as well as the judgment 03.12.2009 passed by then learned Addl. Sessions Judge, Faridkot whereby the appeal filed by the petitioner against the judgment dated 16.01.2009 had been dismissed.

2. Learned counsel for the petitioners submits that the petitioner has already paid the cheque liability in the year 2009 itself. He further submits that he does not challenge the order of conviction dated 16.01.2009, rather confines his prayer to the extent that the order of sentence be modified and the petitioner

be released on probation. He further submits that the petitioner has already undergone a period of 19 days out of the total sentence imposed upon him.

3. Learned State Counsel has placed on record the custody certificate of the petitioner, which denotes that the petitioner has undergone actual custody of 19 days. He further submits that the dispute has arisen out of a private complaint filed by respondent No.2 against the petitioner under Section 138 of N.I. Act. and the State has no role to play in the present matter except for producing the custody certificate of the petitioner.

4. On the other hand, despite intimation, none has appeared on behalf of respondent No.2.

5. Heard.

6. Undoubtedly, the petitioner has been convicted and sentenced by the trial Court for the commission of offence under Section 138 of N.I. Act, 1881 and his conviction and sentence have further been upheld by the Addl. Session Judge, Faridkot. But, at the same time it also cannot be overlooked that the cheque liability has already been discharged by the petitioner since the inception of present revision petition i.e. in the year 2009. Moreover, originally the complaint was filed in the year 2004 and since then the petitioner has been facing the rigours of trial. The present revision petition was admitted in the year 2009 and since then, the petitioner is on bail. He has not been found indulged in any other criminal or similar type of case and has been living peacefully for the last more than 15 years.

7. In light of the above and taking into consideration the peculiar facts and circumstances of the present case coupled with the fact that the petitioner has already undergone a period of 19 days of actual sentence, this

Court deems it appropriate to modify the order on sentence dated 16.01.2009 to the extent the petitioner be granted the benefit of probation of a good conduct for a period of six months.

Disposed of accordingly.

Other misc. application(s), if any, also stand(s) disposed of accordingly.

Copy of this order be sent to the trial Court/CJM, Faridkot for information and necessary compliance, if any.

JANUARY 14, 2026.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No