

CRR-1104-2026 (O&M)

2026:PHHC:077651



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRR-1104-2026 (O&M)

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
08.05.2026	18.05.2026	FULL PRONOUNCED	18.05.2026

Resham Singh ... Petitioner

Versus

Anshul Jindal and another ... Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arjunveer Sharma, Advocate
for the petitioner.

Ms. Garima Chaudhary, Legal aid counsel
for respondent No.1.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

TRIAL COURT	
Names of accused/ convict	Resham Singh
Complaint Case No.	COMA/1309/2015 CNR No. PBBT03-005106-2015 Decided on: 03.11.2018
Conviction under sections	138 of Negotiable Instruments Act
Sentence imposed	RI for 01 year and 06 months with compensation equivalent to cheque amount i.e. Rs.2,00,000/- along with interest @ 9% p.a.

SESSIONS COURT	
Names of convict	Resham Singh
Criminal Appeal No.	CRA/662/2018
CNR No.	PBBT010097552018
Date of decision	21.02.2026

1. Challenging the above captioned judgment of conviction/order of sentence by the trial Court, whereby the petitioner was convicted and sentenced under Section 138 of the

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Negotiable Instruments Act, 1881, which was affirmed by the Sessions Court as mentioned above, the convict has come up before this Court by filing the present criminal revision petition.

2. Ld. Counsel for the respondent complainant opposes the reduction of the sentence
3. As per the judgment passed by the trial Court, the cheque amount was Rs.2,00,000/-.
4. As per the judgment passed by the trial Court, the sentence, fine, and compensation amount awarded in favor of the complainant and against the accused petitioner are as follows:

SENTENCE AWARDED BY THE TRIAL COURT		
Sentence of Imprisonment	Compensation Amount/ Fine Amount	Default imprisonment in case of non-payment of compensation/fine
RI for 01 year and 06 months	Rs.2,00,000/- with interest @ 9% p.a.	NIL

5. In the appeal filed by the accused/convict, the conviction, sentence, and compensation were upheld.
6. It shall be appropriate to refer to Section 138 of the Negotiable Instruments Act, which reads as follows

138. Dishonour of cheque for insufficiency, etc., of funds in the account.—Where any cheque drawn by a person on an account maintained by him with a banker for payment of any amount of money to another person from out of that account for the discharge, in whole or in part, of any debt or other liability, is returned by the bank unpaid, either because of the amount of money standing to the credit of that account is insufficient to honour the cheque or that it exceeds the amount arranged to be paid from that account by an agreement made with that bank, such person shall be deemed to have committed an offence and shall, without prejudice to any other provision of this Act, be punished with imprisonment for 4[a term which may be extended to two years’], or with fine which may extend to twice the amount of the cheque, or with both:

Provided that nothing contained in this section shall apply unless—
(a) the cheque has been presented to the bank within a period of six months from the date on which it is drawn or within the period of its validity, whichever is earlier;
(b) the payee or the holder in due course of the cheque, as the case may be, makes a demand for the payment of the said amount of money by giving a notice; in writing, to the drawer of the cheque, s[within thirty days] of the receipt of information by him from the bank regarding the return of the cheque as unpaid; and
(c) the drawer of such cheque fails to make the payment of the said amount of money to the payee or, as the case may be, to the holder in due course of the cheque, within fifteen days of the receipt of the said notice.

Explanation.—For the purposes of this section, “debt of other liability” means a legally enforceable debt or other liability.

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7. A perusal of Section 138 of NIA clearly points out that the statute does not provide for the imposition of interest. Thus, the portion of the judgment whereby the learned trial judge had imposed 9 % of interest and which portion was upheld by the Sessions Court, is quashed and set aside because it is beyond and more than the legislative intention mentioned under Section 138 of the Negotiable Instruments Act.

8. As per the custody certificate dated 07.05.2026, the petitioner has already undergone custody of 05 months and 21 days.

9. The per-day imprisonment for the fine/compensation amount comes to:

PER-DAY IMPRISONMENT FOR THE FINE/COMPENSATION AMOUNT		
FINE COMPENSATION AMOUNT	+ CUSTODY AS OF DATE	COMPENSATION AMOUNT PROPORTIONATE TO PER DAY CUSTODY
Rs. 2,00,000	Around 183 days	Rs. 1093

10. The above calculation indicates that the convict compromised his liberty for the non-payment of money which comes to a meagre amount of Rs. 1093/- every day.

11. Given the cheque amount, compensation awarded, and the sentence already undergone, the ends of justice shall be met if the sentence is reduced to the already undergone.

12. The petition is partly allowed to the extent that although the conviction is maintained and upheld, the sentence of substantive imprisonment is reduced to what the petitioner has already undergone.

13. The petitioner who is in custody in the present case shall be released forthwith, provided the petitioner is not lodged in custody in any other case.

14. The Registry shall prepare release warrants either themselves or immediately send a communication to the concerned trial Court for the preparation of the release warrants.

15. Petition is partly allowed to the extent mentioned above. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.05.2026
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No