

CRM-21853-2026 in/and  
CRR-684-2026

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-21853-2026 in/and  
CRR-684-2026

Gulab Singh

... Petitioner

Versus

State of Haryana and another

... Respondents

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
13.05.2026	20.05.2026	FULL PRONOUNCED	20.05.2026

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

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

Mr. Ajay Chauhan, for the complainant (Respondent no. 2)

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**ANOOP CHITKARA, J.**

TRIAL COURT	
Name of the Complainant	Virender Chauhan
Name of the accused/ convict	Gulab Singh
Cheque Amount	Rs. 3,80,000/-
Complaint Case No.	NACT-551-2015 CNR No. 205600042372015 Decided on: 29/31.07.2024
Conviction under sections	138 of Negotiable Instruments Act
Sentence imposed	Simple Imprisonment for 01 year along with a compensation amount of Rs. 5,70,000/-

SESSIONS COURT	
Names of convict	Gulab Singh
Criminal Appeal No.	CRA-212-2024
CNR No.	HRPL010061522024
Date of decision	27.01.2026

1. Challenging the above-mentioned judgment passed by the trial Court, whereby the petitioner was convicted and sentenced under Section 138 of the 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 petitioner submits that the petitioner is not in a financial capacity

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to pay the amount, and he would confine his submissions for reduction of sentence to that which the convict has already undergone.

3. Ld. Counsel for respondent No.2 opposes the reduction of the sentence and submits that if this Court reduces the sentence to already undergone, then the amount of compensation should be increased by Rs. 50,000/-.

4. To this, Counsel for the petitioner submits that if the amount of compensation is to be increased, then it should be increased by Rs. 40,000/-.

5. As per the judgment passed by the trial Court, the cheque amount was Rs. 3,70,000/-

6. 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:

<b>SENTENCE AWARDED BY THE TRIAL COURT</b>		
<b>Sentence of Imprisonment</b>	<b>Compensation Amount/ Fine Amount</b>	<b>Default imprisonment in case of non-payment of compensation/fine</b>
SI for 01 year	Rs. 5,70,000/-	NIL

7. In the appeal filed by the accused/convict, the conviction, sentence, and compensation were upheld.

8. As per the custody certificate dated 30.04.2026, in the present complaint, the petitioner has undergone custody of 03 months and 11 days.

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

<b>PER-DAY IMPRISONMENT FOR FINE/COMPENSATION AMOUNT</b>				
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>FINE + COMPENSATION AMOUNT IMPOSED</b>	<b>AMOUNT DEPOSITED</b>	<b>AMOUNT OUTSTANDING</b>	<b>CUSTODY AS OF DATE</b>	<b>FINE + COMPENSATION AMOUNT PROPORTIONATE TO PER DAY CUSTODY</b>
		[A-B=C]		[C÷D=E]
<b>Rs. 5,70,000/-</b>	<b>NIL</b>	<b>Rs. 5,70,000/-</b>	<b>114 days</b>	<b>Rs. 5000/-</b>

10. The calculation set out above indicates that the convict compromised his liberty for the non-payment of money, which comes to a meager amount of Rs. 5000/- every day.

11. The fundamental principle that has emerged as a core doctrinal concern in criminal jurisprudence is the price a convict pays for the curtailment of their freedom due to incarceration for non-payment of fine/compensation amount. How many ounces of flesh does a convict have to pay every day for the inability to pay the money? It was for the Executive to have tabled legislation for the proportionate sentencing, and in its absence,

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the High Court, which is a primary guardian of an individual's fundamental rights, cannot remain in the cocoon of a deep slumber. The seeds of proportionate sentencing have now sprouted, and the green shoots are visible in every jurisdiction. To give meaning to the concept of equality and the principle of parity as envisaged under Article 14 of the Constitution of India, the period of imprisonment a convict has to undergo for non-payment of fine and compensation must be equivalent to the money unpaid and consistent with that imposed on similarly placed convicts. Cost of liberty must be proportionate.

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

13. 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; and the compensation is enhanced by Rs. 40,000/-, from Rs. 5,70,000/- to Rs. 6,10,000/-

14. The compensation amount hereinafter deposited, along with interest accrued on the deposits, if any, less taxes, if any, shall be released in favor of the complainant by transferring to the complainant's bank account in which the complainant is the sole holder.

15. 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.

16. 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. Consequently, CRM 21853 of 2026 has rendered infructuous and stands disposed of.

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

(ANOOP CHITKARA)  
JUDGE

20.05.2026  
Anju Rani

Whether speaking/reasoned	YES
Whether reportable	YES