

In the High Court of Punjab and Haryana at Chandigarh

CRR-106 of 2015(O&M)

Date of Decision: 18.02.2015

Devender Singh

---Petitioner

versus

Savitri Devi and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. J.V.Yadav, Advocate
for the petitioner

Mr. Mukesh Yadav, Advocate
for respondent No. 1

Mr. Rajesh Faur, Addl. A.G.Haryana
for the respondent-State

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

Through the present petition, Davender Singh convict has assailed his conviction and sentence for offence punishable under Sections 323, 452 of the Indian Penal Code by the courts below.

Counsel for the petitioner would submit that dispute between the parties was settled by way of compromise and the compromise deed (Annexure P1) has been placed on record. It is further submitted that in the light of character and antecedents of the petitioner coupled with the fact that

compromise has been effected between the parties, the petitioner may be released on probation of good conduct.

Counsel for respondent No. 1 has conceded to the fact that the parties have entered into a compromise and has got no objection if prayer of the petitioner is acceded to.

Counsel for the State of Haryana has submitted that the petitioner does not deserve indulgence of this Court.

I have heard counsel for the parties and perused the case file.

The petitioner has faced agony of criminal proceedings for the past more than 07 years as the criminal law was set in motion in July 2007. There is nothing on record to suggest that he ever created any hindrance in the administration of criminal justice. No such fact is available on record that any other criminal case was registered much less pending against him. The dispute between the complainant and the petitioner is admittedly resolved by way of an amicable settlement whereby they have decided to bury the hatchet in the interest of peaceful living.

Keeping in view gamut of facts and circumstances discussed hereinabove, the petition is partly allowed, order of sentence is set aside and the petitioner is ordered to be released on probation on his furnishing probation bonds in the sum of Rs.10,000/- with one surety in the like amount for a period of one year with an undertaking to keep peace and exhibit good behaviour and to appear before the trial court to receive sentence as and when called upon during the said period of one year. The amount of fine already deposited shall be adjusted towards cost of

proceedings.

The petition stands disposed of with modification in the above terms.

(REKHA MITTAL)
JUDGE

16.02.2015

PARAMJIT