

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33126-2017 (O&M)
Date of decision: 05.12.2017

Pawandeep Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harkaran Singh, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-37801-2017

Prayer in this application is for placing on record the statement of respondent No.2 and petitioner as well as the order dated 21.10.2017 passed by the JMIC, Moga as Annexures A-1 to A-3 respectively.

For the reasons stated in the application, same is allowed.
Annexures A-1 to A-3 are taken on record.

CRM stands disposed of.

CRM-M-33126-2017

Prayer in this petition is for setting aside the order dated 28.05.2015 (Annexure P-4) passed by the trial Court in criminal complaint

No.RT-77/13/4/10/8/6/09 titled as Gurmeet Singh Vs. Pawandeep Singh etc. under Sections 420, 465, 467, 471, 120-B IPC, on the basis of compromise.

While issuing notice of motion on 08.09.2017, the following order was passed: -

“Prayer in the present petition is for quashing of order dated 28.5.2015 (Annexure P-4) on the basis of compromise (Annexure P-5) dated 28.8.2017.

It is submitted on behalf of the petitioner that petitioner along with other four accused was arrayed as accused in the complaint filed by respondent No. 2-complainant. He further submits that in pursuance to the complaint filed against the petitioner and other four accused, trial Court vide its order dated 11.9.2014 have summoned the petitioner along with co-accused Harcharan Singh whereas other three accused were never summoned. Later on, on the basis of compromise, trial Court vide its judgment dated 8.8.2017 (Annexure P-6) has compounded the offence under Sections 420 read with Section 120-B IPC with regard to co-accused Harcharan Singh.

Learned counsel for the petitioner further submits that petitioner has was not in India when the fresh procedure was adopted under Section 82 Cr. P.C. in accordance with law. He further submits that petitioner is ready to appear before the trial Court for the purpose of recording the statement in pursuance of the compromise.

Notice of motion for 2.11.2017.

Keeping in view the fact that complainant has already compromised with one of the co-accused- Harcharan Singh who was summoned along with the present petitioner and the said accused has already been acquitted by the trial Court, petitioner is directed to appear before the trial Court on or before 12.10.2017; trial Court will release the petitioner on interim bail subject to furnishing of bail bonds/surety bonds to

its satisfaction and record the statements of the parties for the purpose of compounding the offence. This will, however, be subject to payment of cost of Rs.15,000/- as costs or for delaying the proceedings of the case. The costs be paid before the District Legal Service Authority, Moga.”

Counsel for the petitioner submits that in pursuance of the order dated 08.09.2017, petitioner has appeared before the trial Court and has been granted interim bail. The costs of Rs.15,000/- has already been paid with the District Legal Services Authority, Moga. Counsel for the petitioner further submits that as per Annexure A-1, the matter has been compromised between the parties, as the complainant Kanwaldeep Singh has made the statement on 21.10.2017 before the trial Court that he has no objection if the complaint is quashed. It is further submitted that the petitioner has already filed a petition under Section 482 Cr.P.C. in this Court for quashing the complaint on the basis of compromise.

In view of the above, the impugned order dated 28.05.2015 (Annexure P-4) is set aside and the order dated 08.09.2017 is made absolute.

[ARVIND SINGH SANGWAN]
JUDGE

05.12.2017
vishnu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No