

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-29021 of 2017
Date of Decision: April 23, 2018

Partik Kumar
.....Petitioner
versus
State of Punjab and another
.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. G.S. Saini, Advocate
for the petitioner
Mr. Amandeep S. Gill, Sr. DAG Punjab
Mr. B.S. Sidhu, Advocate
for respondent No. 2

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Sudhir Mittal, J. (Oral)

The present petition has been filed for quashing of the FIR No. 124 dated 18.10.2013, registered under Sections 454, 380 IPC at Police Station Bahaw Wala, District Fazilka as well as the judgment of conviction and order of sentence dated 25.02.2016, passed by Judicial Magistrate Ist Class, Abohar, on the basis of compromise (Annexure P-3) between the parties.

Vide judgment dated 25.02.2016, the petitioner was convicted for offences under Sections 380 and 454 IPC and vide order of sentence of even date he was sentenced as under:-

Offence u/s	Sentence
454 IPC	Rigorous imprisonment for a period of two years and to pay fine of Rs. 2000/- and in default of payment of fine to further undergo rigorous imprisonment for two months.
380 IPC	Rigorous imprisonment for a period of two years and to pay fine of Rs. 2000/- and in default of payment of fine to further undergo rigorous imprisonment for two months.

Appeal against the same is statedly pending before the Addl. Sessions

Judge, Fazilka.

Vide order 10.08.2017, the parties were directed to get their statements recorded before the Appellate Court. A report of the Addl. Sessions Judge, Fazilka has been received. According to this report, the compromise is genuine and has been reached between the parties without any threat, coercion or undue influence.

In view of the above, the judgment of conviction is maintained and instead of sentencing the petitioner, it is directed that he be released on probation on him furnishing a bond in the sum of Rs. 50,000/- with one surety, for a period of one year, to appear and receive sentence when called upon to do so.

The petitioner shall furnish the probation bond, *ibid* to the satisfaction of the Court/Successor Court of the convicting Magistrate concerned at Abohar, to whom copy of this order be sent for compliance. He is also directed to withdraw his pending appeal.

The petition is disposed of.

April 23, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No