

CRM-21031-2019 and
CRM-19286-2019 in/and
CRR No. 1483 of 2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-21031-2019 and
CRM-19286-2019 in/and
CRR No. 1483 of 2019 (O&M)
Date of Decision: 17.07.2019

Om Parkash

.....Petitioner

Vs.

Vijay Pal and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Raman Chawla, Advocate,
for the applicant-petitioner.

Mr. Sushil Sharma, Advocate,
for respondent no. 1.

Mr. Surinder Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

CRM-21031-2019

By this application, the affidavit of respondent no. 1, i.e. the complainant, is sought to be placed on record.

Notice in the application.

Counsel for respondent no. 1 appears and does not deny the factum of the affidavit having been executed.

Mr. Surinder Singh, A.A.G., Haryana, accepts notice on behalf of respondent no. 2, on the asking of the Court.

That factum of the affidavit having been executed not being denied by learned counsel for respondent no. 1, the application is allowed and the said

affidavit dated 10.07.2019 is taken on record with the accompanying petition as Annexure P-3.

CRM-19286-2019 in/and CRR No. 1483 of 2019 (O&M)

By this application, the applicant (petitioner in the accompanying petition) seeks that in view of the compromise reached between him and respondent no. 1, i.e. the complainant in the case instituted against him, the offence be compounded, with the conviction and sentence imposed thereafter upon him, therefore set aside.

In view of the aforesaid position, with learned counsel for respondent no. 1 not denying the factum of compromise as already noticed, and the State of Haryana not really being a concerned party except to the extent of producing the custody certificate in respect of the petitioner, the offence being a compoundable one with the permission of the Court in terms of Section 320 of the Cr.P.C., the application is allowed and the offence that the applicant-petitioner was accused of having committed is allowed to be compounded, with, consequently the judgments of the learned courts below and the impugned orders of sentence passed by them set aside.

The petition stands also allowed, as above.

The petitioner be consequently released from custody forthwith.

July 17, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.