

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-3146-2019(O&M)
Date of Order:26.11.2019

Satish @ sonu

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana

Mr. Zile Singh, Advocate
for the complainant.

ANIL KSHETARPAL, J(Oral)

By filing this revision, correctness of judgment of conviction dated 29.02.2016 and order of sentence dated 01.03.2016, to undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.500/- passed by learned Judicial Magistrate Ist Class, Karnal, affirmed in the appeal, has been assailed.

On 25.11.2019, learned counsel for the petitioner made a statement that the parties have now resolved their dispute through a settlement dated 13.11.2019 (Annexure P-1). Notice of motion was issued and the parties were directed to remain present in Court.

Petitioner-convict has moved an application i.e. CRM-36676-2019 under Section 397 Cr.P.C. for suspension of their sentence of imprisonment, during the pendency of instant revision on the basis of

compromise/settlement.

Learned counsel for the petitioner as well as first informant-injured admit that the parties have entered into a settlement. Compromise/settlement, Annexure P-1 is already part of the record.

Today the petitioner-accused and the respondent-complainant No.2 are present, duly identified by their respective counsels. They have filed their separate affidavits, which are taken on record and marked as 'A', and 'B'.

Counsel for the petitioner and counsel for respondent no.2 pray that in view of the aforesaid facts, the orders under challenge and all subsequent proceedings emanating therefrom be quashed.

Counsel for the State of Punjab stated that in view of the settlement between the parties, the State would not stand in the way of the settlement and would not oppose the setting aside/quashing of the orders and all subsequent proceedings emanating therefrom.

I have heard learned counsel for the parties, perused the affidavits filed by the parties. I am of the considered opinion that the petitioners-accused and respondent no.2 have resolved their differences by a bonafide compromise, without any coercion or undue influence. Both the parties acknowledges the settlement/compromise.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052* and *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*,

In the end learned counsel for the petitioner submitted that the first informant-injured and the petitioner-convict have compromised the

matter and the petitioner is yet to surrender before the learned trial Court as non-bailable warrants have been issued against him. He further submitted that a lenient view be taken because the occurrence took place in the year 2010.

This court on consideration of the matter finds that there is some substance in the argument of learned counsel for the petitioner. Petitioner does not have any criminal background. The petitioner is a first time offender. No overt act after the occurrence in question is attributed to the petitioner.

Keeping in view the facts and circumstances of the present case, while upholding the judgment of conviction, it is considered appropriate to release the petitioner on probation. The petitioner shall enter into bond, with surety to the satisfaction of the trial Court. He shall also keep the peace and be of good behaviour. This order has been passed in the peculiar facts and circumstances of the present case and shall not be treated as precedent.

Resultantly, with the above-said observations made, the instant petition stands allowed to that extent.

November 26, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No