

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRR-807-2020 (O&M)
Decided on : 05.06.2020**

Jarnail Singh

... Petitioner

Versus

Gurnek Singh (Deceased) through his L.R Jaswinder Kaur and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. M.S. Saini, Advocate
for the petitioner.

Mr. Varun Goyal, Advocate
for L.R of respondent No.1.

Mr. H.S. Grewal, Addl. AG, Punjab
for respondent No.2.

G.S. Sandhawalia, J. (Oral)

The matter has been taken up by way of Video Conferencing facility in view of COVID-19 situation, as per instructions issued.

The present revision petition has been filed against the judgment and order of sentence dated 18.12.2018 passed by the Judicial Magistrate 1st Class, Shaheed Bhagat Singh Nagar, whereby the petitioner was sentenced under Section 138 of Negotiable Instrument Act, 1881 (for short '1881 Act) for a period of one year and to pay fine of Rs.1,000/-, on account of bouncing of the cheque issued in favour of the deceased complainant, which was for a sum of Rs.4,50,000/-.

The said judgment has been upheld by the Additional Sessions Judge, Shaheed Bhagat Singh Nagar on 15.02.2020. Resultantly, the petitioner was taken into custody and has filed the present revision petition.

Mr. Varun Goyal, Advocate had earlier put in appearance on behalf of Jaswinder Kaur, widow of Gurnek Singh and had confirmed the factum of compromise, which had been effected thereafter on 09.03.2020, since the petitioner had paid the agreed amount in favour of the legal heir of the complainant.

The petitioner has also deposited the costs of Rs.67,500/-, which is 15% of the cheque before the High Court Legal Services Authority, in pursuance of the directions issued on 18.03.2020, in view of the law laid down by the Apex Court in '**Damodar S. Prabhu Vs. Sayed Babalal H.**', 2010 (5) SCC 663. It is in such circumstances, compounding of the offence has been prayed, in view of the provisions of Section 147 of the 1881 Act, which has been approved by the Apex Court in '**JK Industries Limited and others Vs. Amarlal Vs. Juman and another**', 2012 (1) RCR (Criminal) 822.

Resultantly, keeping in view the matter having been compromised and the amount having been received and the costs having been deposited, the offence as such is allowed to be compounded. The petitioner is, accordingly, entitled to be released from custody.

The petition stands disposed off in the above circumstances.

June 05, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No