

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

Date of Decision:-**30.11.2021**

1. CRR-1556-2021 (O&M)

VEER BHAN SINGLA AND ANR

... Petitioners

Versus

M/S G.H. CROP SCIENCES PVT LTD AND ANR

... Respondents

2. CRR-1557-2021 (O&M)

VEER BHAN SINGLA AND ANR

... Petitioners

Versus

M/S G.H. CROP SCIENCES PVT LTD AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Mayank Mathur, Advocate
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

This order will dispose of the afore-titled connected criminal
revision petitions.

Brief facts of the case are that respondent M/s GH Crop Sciences Pvt. Ltd. through its authorized representative filed criminal complaint under Section 138 of Negotiable Instruments Act (in short 'NI Act') against Veer Bhan Singla, M/s Prince Trading Company and M/s Singla Pesticides through their proprietor-Veer Bhan Singla regarding dishonour of cheque worth ₹2,49,683/-. On completion of trial, the petitioners were convicted under Section 138 of NI Act and Veer Bhan Singla was sentenced to undergo rigorous imprisonment for a period of 2 years and to pay fine of ₹5,000/- and in default to further undergo simple imprisonment for 30 days vide judgment and order dated 6.7.2017.

Being aggrieved, the petitioners filed criminal appeal against the said judgment and order while the complainant also filed separate appeal seeking enhancement of sentence awarded by the trial Court to the petitioners. After hearing both the parties, the Appellate Court dismissed the appeal filed by the petitioners while the appeal filed by the complainant was allowed and the sentence of fine was set aside and instead complainant was awarded a compensation worth ₹2.5 lakhs along with interest at the rate 6% per annum from the date of cheque till its realization vide order dated 18.11.2021.

Still being not satisfied, the petitioners have filed both the present revision petitions.

Upon notice of motion, Mr. Amit Gargi, Advocate presented his power of attorney on behalf of Mr. Shyam Sunder Sharma, authorized representative of complainant M/s G.H. Crop Science Pvt. Ltd..

In both the revision petitions, an application has been filed by the petitioners under Section 147 of NI Act seeking compounding of offence on the basis of compromise (Annexure P-1).

Today, Mr. Amit Gargi, Advocate for the respondent admitted the correctness of aforesaid compromise deed (Annexure P-1), which is bearing signatures of Mr. Shyam Sunder Sharma authorized representative of the complainant. The counsel for the respondent further admitted that the cheque amount has already been accepted on behalf complainant and the matter has been compromised between the parties. He has no objection, if the offence punishable under Section 138 of NI Act is compounded.

In view of the compromise effected between the parties, this Court permits them to compound the offence punishable under Section 138 of NI Act by virtue of the provision of Section 147 of the NI Act.

Resultantly, in view of the compromise so effected, the net result would be to acquit Veer Bhan Singla (petitioner).

Keeping in view the totality of the facts and circumstances and the fact that compromise has been effected between the parties, both the present revision petitions are hereby allowed and the impugned judgments and orders of conviction passed by the trial Court and the Appellate Court dated 6.7.2017 and 18.11.2021 respectively are hereby set aside and the Veer Bhan Singla (petitioner) is acquitted of the charge levelled against him. However, in the light of the law laid down by Hon'ble Apex Court **Damodar S. Prabhu vs. Sayed Babalal H., (2010)5 SCC 663**, the petitioners are directed to deposit an amount of ₹15,000/- with Legal Services Authority of

Punjab & Haryana High Court within 15 days from today. The receipt regarding deposit of the said amount be submitted in the Registry of this Court within aforesaid stipulated period of 15 days.

The petitioner No.1-Veer Bhan Singla, who is stated to be behind the bars is hereby ordered to be set at liberty at once, if not required in any other criminal case.

(KARAMJIT SINGH)
JUDGE

30.11.2021
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No