

In the High Court of Punjab and Haryana at Chandigarh

CRR No. 1148 of 2022 (O&M)

Date of Decision: 27.5.2022

Sukhwant Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Harvinder Singh Mann, Advocate for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

Mr. Kavinder Singh Chhibber, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

CRM-20153-2022

The application is allowed as prayed for.

CRR-1148-2022

1. The convict-petitioner herein faced trial for commission of offences punishable under Sections 420, 419, 120-B IPC. The learned trial Judge concerned, proceeded to, upon police challan No. 20, make on 1.10.2018, a verdict of conviction, upon the accused. Moreover, through a separately drawn sentencing order on 1.10.2018, he proceeded to impose upon the convict, the substantive sentence of rigorous imprisonment extending upto three years, and, also imposed upon him, the sentence of fine, carried in a sum of Rs. 5,000/- besides also in default of payment of fine, he sentenced the convict to undergo further imprisonment for a period of 15 days, qua an offence punishable under Section 420 IPC.

2. The aggrieved preferred an appeal, on 5.2.2019, before the learned Additional Sessions Judge, Sri Muktsar Sahib, and, the latter on

22.1.2020, declined relief to the convict, and, rather proceeded to affirm the verdict (supra), as became initially drawn against the convict, by the learned Magistrate concerned.

3. The convict becomes aggrieved from the concurrently made verdicts against him, by both the learned Courts below, besides becomes aggrieved from the imposed upon him, the consequent therewith sentence (supra), by both the learned Courts below.

4. However, today the learned counsel for the aggrieved petitioner, and, the learned counsel for respondent No. 2-informant, in the petition FIR, and, from whom the convict received the money, in respect of land, wherein he had no valid alienable title, both make a statement, without oath, revealing therein, that both rather entering into a settlement with respect to the petition FIR. The settlement/compromise, drawn amongst the convict, and, one Lovedev Singh, and, Jagmel Singh, is stated by them to become appended as Annexure P-1 to the instant petition.

5. The learned counsels appearing respectively for the convict, and, respondent No. 2, have stated, that Annexure P-1 can become depended upon, by this Court for making an order for composition of the offence, in respect whereof, the convict became convicted, and, also became sentenced to undergo the consequent therewith sentence (supra).

6. Reiteratedly, in respect of the above, both the learned counsels have made their signed statements, without oath, before this Court, and, the same are taken on record.

7. The above made statements, by the learned counsels concerned, would become rejected, if they make striving, that this Court make an order for compounding the offence, which is otherwise not permissible to be

compounded, even with the leave of the Court. However, since the convict became convicted for a charge drawn under Section 420 IPC, thereupon, when an offence under Section 420 IPC is compoundable with the leave of the Court. In consequence, bearing in mind Annexure P-1, and, also bearing in mind the signed statements, made, without oath, by both the learned counsel for the parties, that it is validly drawn, and, can be depended upon by this Court to make an order for compounding the offence constituted under Section 420 IPC.

8. In sequel, the instant petition is accepted. The offence constituted under Section 420 IPC, is ordered to be compounded. The verdicts passed by both the Courts below are set aside. The petitioner-convict, is acquitted of the charge drawn against him under Section 420 IPC. The bail bonds and surety bonds, furnished by the petitioner, shall stand discharged. The petitioner, if in prison, and, if not wanted in any other case, be forthwith released from custody.

9. The records be sent down.

10. The above made order shall not have any effect, in respect of FIR No. 57 of 28.5.2015, registered at Police Station Sri Muktsar Sahib.

11. Since the main case has been decided, hence the application bearing No. 20154 of 2022, for suspending the execution of sentence of imprisonment, also stands disposed of.

(SURESHWAR THAKUR)
JUDGE

May 27, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No