

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

**CRR-720-2018 (O&M)  
Date of decision : 23.08.2022**

**Bachan Singh**

**..... Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Ajay Arora, Advocate  
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

\*\*\*\*

**PANKAJ JAIN, J. (Oral)**

Custody certificate filed by learned State counsel is taken on record.

2. On 22.10.2018, the following order was passed:-

**“CRM-19752 of 2018**

Prayer in this application is for suspension of sentence awarded to the applicant/petitioner – Bachan Singh.

On 11.10.2018, it was stated that that matter stands compromised and the trial Court/Successor Court was directed to record the statement of the complainant-Balraj Singh.

As per the report submitted by learned Sub Divisional Judicial Magistrate, Ellenabad, the complainant has appeared before the trial Court and has stated that he has compromised the case with the appellant/petitioner and he do not want to proceed further in this case.

Counsel for the State has not disputed the factual assertions.

In view of the above, remaining sentence of the applicant/petitioner-Bachan Singh, is ordered to be suspended during pendency of the appeal, subject to his furnishing bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sirsa.

**CRR No.720 of 2018(O&M)**

List on 22.01.2019.”

3. Apart from the fact of the compromise between the parties, counsel for the petitioner submits that the petitioner has already undergone sentence of 01 year, 04 months and 04 days, out of total sentence of 02 years awarded by the trial Court.

4. The petitioner in the present case was booked under FIR No.157 dated 18.10.2010 registered at Police Station Ellenabad and was convicted under Section 324 IPC. He was awarded sentence of 02 years RI and to pay a fine of Rs.3,000/- The said order was upheld by the Appellate Court vide judgment dated 30.08.2017. After filing of the revision, the parties reconciled their differences and the compromise was effected which as per the report submitted by SDJM, Ellenabad has been found to be genuine. Complainant as well as the petitioner suffered statements in support of the compromise which are part of record.

5. Commenting on the effect of the parties having reconciled their differences by way of compromise, Apex Court in **Criminal Appeal No.1489 of 2012**, titled as **Ramgopal & Anr. vs. The State of Madhya Pradesh**, decided on 29.09.2021 observed as under:-

“xx xx xx

*13. It appears to us that criminal proceedings involving non-heinous offences or where the offences*

*are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice.”*

6. Owing to the fact that the parties have already compromised and that the petitioner having undergone custody of 01 year, 04 months and 04 days including remission and actual custody of 01 year and 24 days, out of total sentence of 02 years awarded by the trial Court, the present revision petition is partly allowed. The sentence awarded by the trial Court is modified to the sentence already undergone by the petitioner.

7. Ordered accordingly.

**(PANKAJ JAIN)**  
**JUDGE**

**23.08.2022**  
Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No