

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Date of Decision: *January 14, 2022*

1.

Criminal Revision No.1652 of 2021 (O & M)

Jagjit Singh

..... PETITIONER(S)

VERSUS

State of Punjab & another

..... RESPONDENT(S)

. . .

2.

Criminal Revision No.1665 of 2021 (O & M)

Jagjit Singh

..... PETITIONER(S)

VERSUS

State of Punjab & another

..... RESPONDENT(S)

CORAM: **HON'BLE MR. JUSTICE SANT PARKASH**

. . .

PRESENT: - Mr. Buta Singh Bairagi, Advocate, for the petitioner.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab.

Mr. Shivender Pal Singh, Advocate, for Mr. B.S. Bhalla,
Advocate, for respondent No.2.

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Sant Parkash, J

This judgment shall dispose of aforesaid two petitions as
they involve similar facts and questions of law.

Both the petitions have been filed by petitioner – Jagjit
Singh challenging judgment dated 26.11.2021 passed by the Additional
Sessions Judge, Moga whereby judgment of conviction and order of

sentence dated 01.07.2016 passed by the trial court awarding sentence of RI for six months to the petitioner has been affirmed and appeal was dismissed.

Petitioner borrowed an amount of ₹ 60,000/- from the complainant on 10.11.2013 while executing pronote(s), and agreed to pay interest @ 1.5% per month. Thereafter, on 16.01.2014 & 23.04.2014, petitioner again borrowed an amount of ₹ 40,000/- and 50,000/- respectively, from the complainant, with interest @ 1.5 % per month. In discharge of his liability, petitioner issued cheques bearing Nos.000007 dated 05.04.2016 for ₹ 25,000/- and No.000006 dated 04.04.2016 for ₹ 90,000/-, respectively, however the same were dishonored by the bank with remarks 'funds insufficient'. Legal notices dated 02.05.2016 were also served upon the petitioner. Since he failed to repay the amount, respondent No.2 lodged a complaint under Section 138 of Negotiable Instruments Act, 1881 (for short, 'Act') which culminated into conviction of petitioner and awarding of sentence, referred to above, vide judgment/order dated 29.01.2020 passed by the trial court, against which, appeal filed by the petitioner has also been dismissed vide impugned judgment dated 26.11.2021 by the lower appellate court.

Aggrieved petitioner has now moved the present petition before this Court while assailing his conviction and sentence awarded by the courts below.

It is pertinent to mention here that an affidavit dated 05.01.2022 duly sworn by respondent No.2 – complainant, Rajnish Kumar has been produced in Court to the effect that parties have amicably settled the disputes without there being any pressure or undue influence and complainant do not want to take any action against the petitioner.

Taking into consideration the nature of offence committed in the instant case and the fact that a compromise has been effected between the parties, continuance of criminal prosecution would be an exercise in futile and further by virtue of Section 147 of the Act which enables that the offence under Section 138 of the Act can be compounded at any stage, judgment dated 26.11.2021 passed by the first appellate court affirming the judgment of conviction and order of sentence dated 29.01.2020 passed by the trial court is hereby set aside and petitioner is directed to be released forthwith, if not required in any other case subject to his furnishing requisite bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

Both the petitions stand disposed of accordingly.

Since the main petitions have been disposed of, any application(s) pending adjudication, has been rendered as infructuous and disposed of as such.

**(Sant Parkash)
Judge**

January 14, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No