

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CRR-914-2021 (O&M)
Date of decision : 14.09.2023

Darshan Singh Petitioner

versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Munish Garg, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion and suspending the sentence of the petitioner on 02.12.2021, this Court observed as under:-

“Learned counsel for the petitioner submits that petitioner is likely to effect a compromise with the bank authorities as he has already paid the cheque amount in question.

Mr. Sukhwinder Singh, Superintendent, who appears on behalf of the bank authorities, submits that though the cheque amount has been paid but petitioner is yet to return the loan amount.

Learned counsel for the petitioner seeks an adjournment so as to compromise the dispute with the bank authorities in writing along with the terms and conditions of the same.

Adjourned to 10.03.2022.

CRM-27182-2021

Present application has been filed for placing on record the documents as Annexure P-1 and P-2.

The application is allowed and Annexures P-1 and P-2 are taken on record.

CRM-27184-2021

Learned counsel for the applicant-petitioner submits that as the applicant-petitioner has already paid the cheque amount in question for which he was convicted and the petitioner, who is 70 years old man, also intends to settle the remaining loan amount, his remaining sentence may kindly be suspended during the pendency of the revision petition.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the facts and circumstances of this case, where cheque amount has already been paid to the respondent-Bank and the petitioner is a 70 years old man and he also intends to settle the full dispute in case he is able to get out of jail, he has made out a case for the grant of concession of suspension of sentence.

In view of the above, the sentence of applicant-petitioner Darshan Singh is suspended till the next date of hearing and he is ordered to be released on bail, if not required to be kept in custody in any other case, on his furnishing adequate bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Magistrate concerned so as to ascertain the genuineness of the plea that petitioner intends to settle the dispute with bank once for all.

It is further made clear that suspension of sentence will depend upon the future good conduct of the applicant-petitioner. In case applicant-petitioner fails to maintain good conduct during the suspension of sentence, this order will be reviewed.”

2. Today, State counsel has produced ‘No Due Certificate’ and submits that the petitioner has already deposited the loan amount and thus nothing remains. No due certificate produced by him is taken on record as mark ‘X. Registry is directed to tag the same at appropriate place.

3. In view of above, this Court finds that the offence committed by the petitioner stands compounded by respondent No.2.

4. Resultantly, the present petition is allowed. Order of sentence passed by Courts below are ordered to be annulled in view of the fact that offence of the petitioner stands compounded.

5. Ordered accordingly.

6. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

14.09.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No