

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

CRM-M-47653-2023 (O&M)

Date of Decision: 09.11.2023

Kuldeep Singh

. . . . Petitioner

Vs.

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Inderjit Singh, Advocate, for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Saurabh Bhardwaj, Advocate,
for respondent No.2-complainant/Bank.

DEEPAK GUPTA, J.

CRM-46429-2023

This is an application to prepone the main petition i.e.,
CRM-M-47653-2023 from 20.11.2023 to some early date.

Considering the grounds as mentioned in the application and
the fact that the applicant/petitioner is in custody, application is allowed.
Main petition i.e., CRM-M-47653-2023 is preponed and the same is taken
on board today itself.

CRM-M-47653-2023

Counsel for respondent No.2/Bank has also appeared today
and has filed reply by way of short affidavit.

2. Complaint No.85 dated 06.10.2016 tilted as *HDFC Bank Ltd.*

Vs. Kuldeep Singh (Annexure P1) was filed by respondent No.2-

complainant/ Bank to prosecute the accused (now petitioner) under Section 138 of the Negotiable Instruments Act, 1881 [for short 'the NI Act'] regarding dishonour of a cheque for an amount of ₹14,78,000/-. Vide judgment dated 07.09.2017 (Annexure P2) passed by Id. Chief Judicial Magistrate, Gurdaspur, petitioner was convicted under Section 138 of the NI Act. He was sentenced to undergo rigorous imprisonment for a period of 2 years and to pay fine of ₹10,000/- with default sentence. Criminal Appeal N: 13 of 2017 filed by the petitioner was dismissed by Id. Sessions Judge, Gurdaspur vide judgment dated 06.12.2021 (Annexure P3). Petitioner then filed revision bearing CRR-61-2022 before this Court, which was also dismissed vide order dated 11.01.2022 (Annexure P4).

3. It is contended by Id. counsel that matter has since been settled between the parties and that respondent No.2-complainant/Bank has issued a No Due Certificate on 31.07.2023 (Annexure P8). Id. counsel further informs that out of 2 years sentence imposed upon the petitioner, he has already undergone approximately 1 year and 10 months sentence and still, he is in custody.

4. Upon notice issued to the respondent-complainant/Bank, Mr.Saurabh Bhardwaj, Advocate put in appearance and conceded the factum of settlement between the parties and that No Due Certificate had been issued by respondent No.2-complainant/Bank pursuant to that settlement and therefore, respondent No.2/Bank has no objection, if the offence in question is compounded.

5. Heard. Although, the conviction of the petitioner has been upheld up to this Court, but the present petition has been filed under Section 482 CrPC.

6. Having regard to the fact that offence in question is compoundable; and that compounding can be allowed at any stage and the fact that petitioner has already undergone sentence for a period of more than 1 year and has settled the matter with respondent No.2-complainant (Bank), this Court in exercise of its power under Section 482 CrPC, so as to secure the ends of justice, allow this petition. Necessary permission is granted to the parties to compound the offence. Consequent thereto, the conviction as recorded by the trial Court and as affirmed up to this Court, is hereby set aside. The effect thereof will be the acquittal of the petitioner within the meaning of Section 320(8) CrPC. Petitioner be released forthwith, if not required in any other case.

Disposed of.

09.11.2023

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes
Yes/No