

CRR-1242-2022

2024:PHHC:029906

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1242-2022(O&M)

DECIDED ON: 18.01.2024

JOGINDER SINGH

....PETITIONER

VERSUS

HARPAL SINGH AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner.
Mr. H.S. Sitta, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This revision petition has been filed for setting aside the impugned judgment dated 03.05.2018 passed by the Trial Court in 'COMA-781-2014' dated 10.11.2014 and judgment dated 11.07.2019 passed by the Additional Sessions Judge in Criminal Appeal No. 761 of 2018 dated 16.05.2018 as the matter has been compromised between the parties.

On 06.06.2022, the following order was passed :-

'Notice re: application seeking condonation of delay and suspension of sentence.

On asking of the Court, Mr. Sukhbeer Singh, Asstt. Advocate General, Punjab accepts notice on behalf of respondent No.2/State.

At this stage, Mr. Kuljit S. Chauhan, Advocate has put in appearance on behalf of respondent No.1 and filed his Power of Attorney today in Court, which is taken on record. He admits the fact of there being a compromise between the parties and submits his no

objection if the delay is condoned and the sentence of the petitioner is suspended during the pendency of the instant petition.

For the reasons mentioned in the application and keeping in view no objection on behalf of respondent No.1, the application seeking condonation of delay (CRM-21269-2022) is allowed. The delay of 246 days in filing the instant revision petition is hereby condoned.

Notice of motion in the main revision petition be issued for 27th July, 2022.

Ld. Counsel for the petitioner submits that out of the awarded sentence of 1 year, the petitioner has already undergone imprisonment for 01 month and 02 days till today, in the present case.

In view thereof and keeping in view 'no objection' of counsel for respondent No.1 as also considering the fact that since the matter already stands compromised between the parties, presence of the accused/ petitioner for recording of his statement w.r.t. the compromise before Trial Court/Duty Magistrate, is necessary, the application seeking suspension of sentence (CRM-21270-2022) on behalf of the petitioner is allowed. The sentence awarded the petitioner shall remain suspended during the pendency of the present revision petition and he is ordered to be released on bail to the satisfaction of Ld. Chief Judicial Magistrate/Duty Magistrate concerned.

In view of the above, the parties are directed to appear before learned Trial Court/Duty Magistrate on 13.06.2022. On their doing so, the learned Trial Court/Duty Magistrate shall record their statements and furnish its report to this Court by the next date of hearing i.e. 27.07.2022 on the following aspects:-

- 1. Number of persons arrayed as accused in the complaint.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other case or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are*

there in the complaint.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the Trial Court/Duty Magistrate shall be at liberty to call the parties on any other date but not later than a week thereafter.'

Report dated 22.06.2022 has been received from JMIC 1st Class, Rajpura. As per the same, the complainant has suffered a statement that complaint No. 180 RBT dated 10.11.2014 (COMA-781-2014) under Section 138 of NI Act and Section 420 IPC was got registered by them against accused namely Joginder Singh vide which accused-Joginder Singh was convicted under Section 138 NI Act and sentenced to undergo RI for 1 year. Now with the intervention of respectables, the matter has been compromised and he has no objection if the impugned orders are quashed.

Consequently, the revision petition is allowed. In view of the report, order of conviction passed by Trial Court dated 03.05.2018 against which an appeal was preferred by the accused before the learned Additional Sessions Judge dated 11.07.2019 are set aside and complaint under Section 138 of NI Act is quashed.

(SANDEEP MOUDGIL)
JUDGE

18.01.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>