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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRR-2843-2023 (O&M)
Date of Decision: 01.02.2024

MANINDER SINGH

...Petitioner

V/S

BALBIR SINGH AND ANOTHER

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Atul Yadav, Advocate
for the applicant/petitioner.

Respondent No. 1-Balbir Singh in person.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

CRM-52052-2023

This is an application under Section 320(5) of Cr.P.C. read with Section 482 of Cr.P.C. seeking permission for compounding the offence under Section 138 of Negotiable Instruments Act, as the petitioner is ready to pay the cheque amount of Rs. 3,40,000/- as well as compensation of Rs. 50,000/- as directed by the Courts below.

On 11.10.2023, notice was issued in the present application.

In pursuance of issuance of notice, respondent No. 1-Balbir Singh has appeared in the Court and to establish his identity, he has produced photocopy of his Aadhar Card and the Electoral Photo Identity Card (EPIC) issued by the Election Commission of India, which has been further attested by learned counsel for the applicant/petitioner.

Learned counsel for the applicant/petitioner submits that out of the cheque amount, Rs. 78,000/- has already been deposited by the petitioner before the learned lower Appellate Court and the remaining amount, Rs. 3,12,000/- which includes +Rs. 50,000/- as compensation, is

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being paid as demand draft, which is brought in the Court today. Photocopy of the same has been retained on record as Annexure P-2. Demand draft of Rs. 3,12,000/- has been handed over to the respondent No. 1, and receipt of the same has been retained in the case file. Registry is directed to tag the same at the appropriate place.

The respondent has received the remaining amount by way of demand draft amounting to Rs. 3,12,000/- in the Court today and he submits that he has no objection in case, the present application is allowed.

Keeping in view the facts and circumstances of the case, and the ratio of law as laid down by Hon'ble Supreme Court in **Damodar S. Prabhu Versus Sayad Babulal H. 2010 AIR, SC 1907**, the present application is allowed and the offence punishable under Section 138 of Negotiable Instruments Act stands compounded against the petitioner.

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In view of the findings recorded in CRM-52052-2023, present petition is allowed and the impugned order of conviction and order on quantum of sentence dated 04.12.2023 and 03.03.2022/07.03.2022 passed by learned Additional Sessions Judge, Gurugram and learned Judicial Magistrate Ist Class, Gurugram, respectively, are hereby set aside. The applicant/petitioner is acquitted of the charges framed against him. His bail bonds and surety bonds stand discharged.

Pending CRM(s), if any, are also disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

01.02.2024
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No