

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal S-877-SB of 2003
Date of Decision : December 18, 2015

Piara Singh and others	Versus	Appellants
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. D.S.Pheruman, Advocate
for the appellants.

Mr. Vikram Bishnoi, Assistant Advocate General, Punjab.

Mr. P.B.S.Goraya, Advocate for the complainant.

T.P.S.MANN, J.

The appellants, namely, Piara Singh and his two sons Sarabjit Singh @ Pappu and Bikramjit Singh @ Lali were tried for committing offences punishable under Sections 307/326/324/34 IPC on the allegations that on 15.9.1999 at about 7.30 p.m. they, while being armed with Kirpan, Gandasi and Datar, respectively, caused injuries to Lajwant Singh and his father-Harbhajan Singh. Vide judgment and order dated 25.4.2003, learned Additional Sessions Judge (Adhoc), Amritsar, convicted appellant-Sarabjit Singh @ Pappu under Section 307 IPC and appellants Piara Singh and Bikramjit Singh @ Lali under Sections 307/34 IPC and sentenced

them to undergo rigorous imprisonment for five years and to pay a fine of Rs.2,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for two months. Appellant-Piara Singh was further convicted under Section 326 IPC while appellants Sarabjit Singh @ Pappu and Bikramjit Singh @ Lali under Sections 326/34 IPC and sentenced to undergo rigorous imprisonment for four years and to pay a fine of Rs.1,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for one month. Appellant-Bikramjit Singh @ Lali was also convicted under Section 324 IPC while appellants Piara Singh and Sarabjit Singh @ Pappu were convicted under Sections 324/34 IPC and sentenced to undergo rigorous imprisonment for one year each. All the sentences were ordered to run concurrently.

Aggrieved of their conviction and sentence, the appellants filed the present appeal, which was admitted on 6.5.2003. On 28.7.2003, this Court suspended the sentence of imprisonment of appellant-Bikramjit Singh @ Lali. The sentences of imprisonment of appellants Piara Singh and Sarabjit Singh @ Pappu were subsequently suspended on 6.8.2004 and 13.12.2004, respectively.

It may be worthwhile to mention here that despite being granted the concession of suspension of sentence, both Piara Singh and Sarabjit Singh @ Pappu did not furnish requisite bonds and continued to remain behind the bars. Finally, on 15.1.2005 they were

released after completion of their sentences and after being given the benefit of Government remissions and jail remissions. At the same time, after furnishing the requisite bonds pursuant to order dated 28.7.2003, appellant Bikramjit Singh @ Lali was released on 6.8.2003 and as per the custody certificate produced by the State counsel, said Bikramjit Singh @ Lali had undergone an actual period of ten months and six days out of the sentence of five years imposed upon him.

The appeal was posted for final hearing before this Court on 4.3.2015. On the said date, learned counsel for the appellants submitted that all the appellants had completed their sentences of imprisonment by earning Government remissions and jail remissions and, therefore, the appeal had been rendered infructuous. The learned State counsel also produced the custody certificates issued by the jail authorities and the appeal was, accordingly, disposed of as having become infructuous. A week later i.e., on 11.3.2015, it was brought to the notice of this Court that only appellants Piara Singh and Sarabjit Singh @ Pappu had completed their sentences of imprisonment whereas appellant Bikramjit Singh @ Lali had not completed his sentence of imprisonment. Accordingly, the Court directed listing of the appeal for re-hearing for 18.3.2015. On the said date, learned counsel for the appellants put in appearance and sought an adjournment. On 1.7.2015, learned counsel for the appellants apprised this Court that as per his instructions, the parties had

amicably settled the matter. Subsequently, copy of Special Power of Attorney executed by Bhagwant Singh son of Harbhajan Singh authorizing his wife-Rajwant Kaur to effect compromise with the appellants, who were none else but his real uncle and uncle's sons and copy of compromise deed were placed on record as Annexure P-2. In the said deed executed between the three appellants on the one side and Smt. Surinder Kaur, daughter-in-law of injured-Harbhajan Singh (since dead) and wife of injured-Lajwant Singh (since dead) and Smt. Rajwant Kaur wife of Bhagwant Singh son of Harbhajan Singh on the other, and duly witnessed by the village Sarpanch and respectables of the village, it stood mentioned that both the parties being closely related had settled the matter with each other. They have started visiting each other's family and no differences remained between them.

Aforesaid Smt. Surinder Kaur, daughter-in-law of injured Harbhajan Singh and widow of injured Lajwant Singh has got recorded her statement to the effect that on account of intervention of the respectables and common friends, the dispute between the parties has been amicably resolved. Further, whatever benefit of the compromise accrues to the accused as a result thereof, it may be granted, for which, she will have no objection. She has also produced photocopy of her Aadhar Card in order to establish her identity.

It is true that offences under Sections 307 and 326 IPC, for

which, the appellants stood convicted are not lawfully compoundable but the factum of compromise arrived at between the parties can be taken into consideration in order to determine the quantum of sentence to be imposed upon the appellants.

Both the parties are closely related to each other. They have adjacent farm houses and in order to revive normal ties, they have amicably settled the matter. Pursuant to the compromise, no ill will is left between the two parties. They have even started visiting houses of each other besides attending marriages and other social functions.

As per the custody certificate produced by the learned State counsel, both appellants Piara Singh and Sarabjit @ Pappu had undergone an actual period of one year, ten months and fifteen days whereas appellant Bikramjit Singh @ Lali had undergone an actual period of ten months and six days. None of them is shown to be involved in any other criminal case.

Taking into consideration the totality of circumstances, this Court is of the considered view that while maintaining conviction of the appellants for the various offences as recorded by the trial Court, their sentences of imprisonment can be reduced to that already undergone by them.

Resultantly, the conviction of the appellants for the various

offences, as recorded by the trial Court, is upheld. The sentences of imprisonment of the appellants on all the counts are reduced to that already undergone by them. The sentences of fine along with their default clauses are maintained.

The appeal is, accordingly, disposed of.

December 18, 2015
amit rana

(T.P.S. MANN)
JUDGE