

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

**Criminal Appeal S-1294-SB of 2004
Date of Decision: November 26, 2015**

Parveen Kumar and another

.....Appellants

Versus

State of Haryana

..... Respondents

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

Present : Mr. Aakash Juneja, Advocate for
Mr. S.S.Brar, Advocate for
the appellant.

Mr. Dhruv Dayal, Deputy A.G., Haryana.

Mr. Gaurav Sethi, Advocate
for the complainant.

T.P.S.MANN, J. (Oral)

The appellants have filed the present appeal for challenging the judgment and order dated 25/26.5.2004 passed by the Additional Sessions Judge, Fast Track Court, Ambala, whereby, there were convicted and sentenced as mentioned below:-

(i) Convicted under Sections 323/34 IPC and sentenced to undergo rigorous imprisonment for three months each;

(ii) Convicted under Sections 452/34 IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.200/- and in default of payment of fine, to further undergo rigorous imprisonment for seven days;

(iii) Convicted under Sections 307/34 IPC and sentenced to undergo rigorous imprisonment for four years and to pay a fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for fifteen days; and

(iv) Convicted under Sections 506/34 IPC and sentenced to undergo rigorous imprisonment for six months each.

All the sentences were ordered to run concurrently.

The period of imprisonment already spent by the appellants in custody during the investigation, enquiry and trial of the case was ordered to be set off against the substantive sentences awarded to them.

The case of the prosecution, in nutshell, is that on 25.6.2001 at about 8.00 a.m., complainant-Chintu was sitting in the door of his house whereas his mother-Shugna Devi was working in the kitchen. At that time, both the appellants came there and inquired from the complainant about his father as they

wanted to teach him a lesson for selling piglets. At that time, Deep Chand @ Deepa was empty handed while Parveen Kumar was carrying a knife. Both the appellants started abusing the complainant. The complainant tried to run inside. However, he was caught hold of by Deep Chand @ Deepa who gave him fist blows. Parveen Kumar gave knife blow to the complainant on his head. The complainant raised an alarm and on hearing the same, his mother came out from the kitchen. Deep Chand @ Deepa caught hold of her and also gave her beatings.

On the statement made by complainant-Chintu, FIR No. 56 dated 25.6.2001 under Sections 323/325/452/307/506/34 IPC and Section 25 of the Arms Act was registered at Police Station Parao.

The trial of the case ended with the appellants being convicted and sentenced, as mentioned above. The appeal filed by them against their conviction and sentence was admitted on 5.7.2004. Both the appellants were later on granted the concession of suspension of sentence on 15.12.2004.

This Court need not go into the merits of the case as during the pendency of the appeal, the parties have already entered into a compromise. In this regard, compromise deed as well as affidavit executed by Chintu were placed on record on 18.11.2015. The Court, however, directed both Chintu and

Shugna Devi to remain present in the Court along with proof regarding their identities. Pursuant to the same, Chintu and Shugna Devi have put in appearance. Detailed statement has been made by Chintu, wherein, he has confirmed the factum of compromise arrived at between the parties. His statement has been corroborated by his mother Smt. Shugna Devi by making separate statement. Both Chintu and Shugna Devi have reiterated the factum of compromise and also expressed wish that the benefit flowing out of the compromise be extended to the appellants. They have also placed on record photocopies of their respective identifications.

The appellants have been facing the agony of criminal prosecution for the last more than fourteen years. The appellants on the one hand and the complainant, namely, Chintu and Smt. Shugna Devi on the other, have been residing in the same vicinity, i.e. Suar Ki Mandi, which is situated behind B.D.Floor Mill, Ambala Cantt., Haryana. On account of the intervention of the respectables, both the parties have seen sense in coming to an amicable settlement. The said settlement will restore cordial relations between the parties.

As per the custody certificates already brought on record by the learned State counsel, appellant-Parveen Kumar has undergone an actual sentence of seven months and fifteen

days whereas appellant-Deep Chand @ Deepa has undergone six months and nine days. Both of them have also earned remission of twenty four days on account of maintaining good conduct in the jail.

It is true that not all the offences are compoundable. However, as the parties have amicably settled the dispute, the appellants can be granted concession in the matter of sentence of imprisonment.

Resultantly, the conviction of the appellants, as recorded by the trial Court, is upheld. Their substantive sentences of imprisonment are reduced to the one already undergone by them. The sentences of fine along with their default clauses are maintained.

The appeal is, accordingly, disposed of.

November 26, 2015
amit rana

(T.P.S. MANN)
JUDGE