

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. Crl. Appeal No. S-737-SB of 2007

Vijay Kumar and anotherAppellants

Versus

State of PunjabRespondent

2. Crl. Appeal No. S-794-SB of 2007

Chaman Lal @ Kaka and othersAppellants

Versus

State of PunjabRespondent

3. Crl. Appeal No. S-803-SB of 2007

Gurpal Kumar @ BittuAppellant

Versus

State of PunjabRespondent

DATE OF DECISION: 24.12.2015

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Hapreet Rakhra, Advocate and
Mr. Dinesh Trehan, Advocate
for the appellant(s).

Mrs. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

This judgment of mine shall dispose of three Crl. Appeals bearing Nos. S-737-SB of 2007, S-794-SB of 2007 and S-803-SB of 2007 as it is a case of version and cross-version between the same parties.

Crl. Appeal No. S-803-SB of 2007 has been filed by accused-appellant-Gurpal Kumar @ Bittu against the judgment of conviction and order of sentence dated 2.4.2007 passed by Additional Sessions Judge, Jalandhar, vide which, following sentence has been imposed upon him:-

Name of the accused	Under Section	Punishment
Gurpal Kumar @ Bittu	324 IPC	To undergo RI for two years and fine of Rs. 3000/- and in default of payment of fine to further undergo RI for two months.
	323 IPC	To undergo RI for six months and fine of Rs. 1000/- and in default of payment of fine to further undergo RI for 15 days.
	323/34 IPC	To undergo RI for three months and fine of Rs. 500/- and in default of payment of fine to further undergo RI for ten days.

Crl. Appeal No. S-737-SB of 2007 has been filed by accused-appellants-Vijay Kumar and Deen Dayal against the judgment of conviction and order of sentence dated 2.4.2007 passed by Additional Sessions Judge, Jalandhar, vide which, following sentence has been imposed upon them:-

Name of the accused	Under Section	Punishment
Vijay Kumar	324/34 IPC	To undergo RI for one year and fine of Rs. 2000/- and in default of payment of fine to further undergo RI for one month.
	323/34 IPC	To undergo RI for three months and fine of Rs. 500/- and in default of payment of fine to further undergo RI for ten days.

Name of the accused	Under Section	Punishment
Deen Dayal	323 IPC	To undergo RI for six months and fine of Rs. 1000/- and in default of payment of fine to further undergo RI for 15 days.
	324/34 IPC	To undergo RI for one year and fine of Rs. 2000/- and in default of payment of fine to further undergo RI for one month.
	323/34 IPC	To undergo RI for three months and fine of Rs. 500/- and in default of payment of fine to further undergo RI for ten days.

Crl. Appeal No. S-794-SB of 2007 has been filed by accused-appellants-Chaman Lal @ Kala, Raja @ Ram Sarup and Jaswinder against judgment of conviction and order of sentence dated 2.4.2007 passed by Additional Sessions Judge, Jalandhar, vide which they have been sentenced as under:-

Name of the accused	Under Section	Punishment
Chaman Lal @ Kala	308 IPC	To undergo RI for six years and fine of Rs. 5000/- and in default of payment of fine to further undergo RI for one year.
	324/34 IPC	To undergo RI for one year and fine of Rs. 2000/- and in default of payment of fine to further undergo RI for one month.
	323 IPC	To undergo RI for six months and fine of Rs. 1000/- and in default of payment of fine to further undergo RI for 15 days.

Name of the accused	Under Section	Punishment
Raja @ Ram Sarup	308/34 IPC	To undergo RI for four years and fine of Rs. 3000/- and in default of payment of fine to further undergo RI for six months.
	324/34 IPC	To undergo RI for one year and fine of Rs. 2000/- and in default of payment of fine to further undergo RI for one month.
	323 IPC	To undergo RI for six months and fine of Rs. 1000/- and in default of payment of fine to further undergo RI for 15 days.
Jaswinder	308/34 IPC	To undergo RI for four years and fine of Rs. 3000/- and in default of payment of fine to further undergo RI for six months.
	324/34 IPC	To undergo RI for one year and fine of Rs. 2000/- and in default of payment of fine to further undergo RI for one month.
	323 IPC	To undergo RI for six months and fine of Rs. 1000/- and in default of payment of fine to further undergo RI for 15 days.

During pendency of aforesaid appeals, a compromise was arrived at between the parties before the Lok Adalat and statements of the parties to this effect were also recorded, wherein, it has been stated by both the parties that they want to live in peace and harmony. The compromise arrived at between them is with the intervention of respectables and relatives from both the sides and permission to compound the offence may be granted and the appeals may be allowed. The said compromise arrived at between the parties has been signed by accused-appellants, namely, Vijay Kumar, Deen Dayal, Gural Kumar @ Bittu from one side and Kamaldeep, Chaman Lal, Jaswinder Singh and Raja Ram Sarup from other side. The compromise has also been signed

by the witnesses from both the sides. The original compromise deed arrived at between the parties has been placed on record in Crl. Appeal No. S-794-SB of 2007.

Learned counsel for the parties submit that offence under Sections 323 and 324 IPC are compoundable and only offence under Section 308 IPC is non-compoundable. They submit that the accused-appellants are facing agony of trial since the date of lodging of the FIR i.e. 2.7.2004 and now with the intervention of the respectable and to maintain peace and harmony, they have sorted out their differences and have no objection in case the offence is allowed to be compounded and the sentence is reduced to the period already undergone. All the accused are on bail as their sentence has already been suspended by this Court.

Learned counsel for the respondent-State has not disputed the submissions made by learned counsel for the accused-appellants.

Heard the arguments advanced by learned counsel for the parties and have also gone through the documents available on the record.

Undisputedly, offences under Sections 323 and 324/34 IPC are compoundable and offence under Section 308 IPC is non-compoundable. By considering the compromise arrived at between the parties, the permission to compound the offence under Section 308 IPC is granted and Crl. Appeal Nos. S-737-SB of 2007 and S-803-SB of 2007 are allowed and accused-appellants, namely, Vijay Kumar, Deen Dayal and Guralp Kumar @ Bittu are acquitted of the charges framed against them. They are already on bail and accordingly they are discharged from the bail/surety bonds furnished by them.

However, in Crl. Appeal No. S-794-SB of 2007, the conviction of accused- appellants, namely, Chaman Lal @ Kala, Raja @ Ram Sarup and Jaswinder is upheld and the sentence is reduced to the period already

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(6)

undergone by them.

With the aforesaid modification in sentence, Crl. Appeal No. S-794-SB of 2007 is disposed of.

December 24, 2015
pooja

(DAYA CHAUDHARY)
JUDGE