

CRA-S-204-SB of 2005 and other connected cases

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

CRA-S- 204-SB-2005

Date of Decision:08.04.2015

Surjit Singh and ors.

... Appellant (s)

Versus

State of Punjab

...Respondent(s)

CRA-S-166-SB of 2005

Lakhvir Singh & ors.

... Appellant (s)

Versus

State of Punjab

...Respondent(s)

CRR No.293 of 2005

Bagicha Singh

.... Petitioner/s

Versus

Surjit Singh and ors.

.....Respondent/s

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

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Present: Mr. Mandeep Kaushik, Advocate,
for the appellant (S) in CRA-S-204-SB of 2005.

Mr. APS Mann, Advocate
for the appellant/s in CRA-S-166-SB of 2005 and in CRR-
293 of 2005

Mr. K.S. Sidhu, DAG, Punjab.

Paramjeet Singh, J.

CRA-S-204-SB of 2005

Present criminal appeal has been preferred by the appellants against judgment of conviction and order of sentence dated 06.01.2005 passed by the Addl. Sessions Judge Fast Track Court, Ferozepur whereby appellants have been convicted for the offences punishable under Section 148, 307, 149 of IPC and punished as under:-

Sr. No.	Name of the Convict	Under Sections	Period of Sentence
1	Surjit Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months
		307IPC	R.I for seven years and to pay a fine of Rs.3000/-. In default of payment of fine he shall further undergo R.I for one and half years

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2	Dharminder Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months
		307,149 IPC	R.I for seven years and to pay a fine of Rs.3000/-. In default of payment of fine he shall further undergo R.I for one and half years
3	Lakhwinder Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months
		307,149 IPC	R.I for seven years and to pay a fine of Rs.3000/-. In default of payment of fine he shall further undergo R.I for one and half years
4	Jagtar Singh	149 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months
		307,149 IPC	R.I for seven years and to pay a fine of Rs.3000/-. In default of payment of fine he shall further undergo R.I for one and half years
5	Kala Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months
		307 IPC	R.I for seven years and to pay a fine of Rs.3000/-. In default of payment of fine he shall further undergo R.I for one and half years

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6	Ishar Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months
		307,149 IPC	R.I for seven years and to pay a fine of Rs.3000/-. In default of payment of fine he shall further undergo R.I for one and half years

CRA-S-166-SB of 2005

Present criminal appeal has been preferred by the appellants against judgment of conviction and order of sentence dated 06.01.2005 passed by the Addl. Sessions Judge Fast Track Court, Ferozepur whereby appellants have been convicted for the offence punishable under Sections 148, 307, 149 of IPC and passed the following orders:-

Sr. No.	Name of the Convict	Under Sections	Period of Sentence
1	Lakhvir Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months.
		307 IPC	R.I for three years and to pay a fine of Rs.1000/-. In default of payment of fine he shall further undergo R.I for six months.

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2	Balkar Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months.
		307/149 IPC	R.I for three years and to pay a fine of Rs.1000/-. In default of payment of fine he shall further undergo R.I for six months.
3	Daljinder Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months
		307/149 IPC	R.I for three years and to pay a fine of Rs.1000/-. In default of payment of fine he shall further undergo R.I for six months.
4	Jagseer Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months.
		307/149 IPC	R.I for three years and to pay a fine of Rs.1000/-. In default of payment of fine he shall further undergo R.I for six months.
5	Bagicha Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months.
		307/149 IPC	R.I for three years and to pay a fine of Rs.1000/-. In default of payment of fine he shall further undergo R.I for six months.

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6	Harkirat Singh	148 IPC	R.I for two years and to pay a fine of Rs.300/-. In default of payment of fine he shall further undergo R.I for three months
		307 IPC	R.I for three years and to pay a fine of Rs.1000/-. In default of payment of fine he shall further undergo R.I for six months.

CRR No.293 of 2005

This is criminal revision for enhancement of sentence of respondents, Surjit Singh and ors, who are appellants in CRA-S-204-SB of 2005

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned Court below and in view of the ultimate prayer of the appellant seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the appellants/petitioners state that in the incident both sides have received injuries. They are co-villagers. With the intervention of respectables of the village and nearby areas, both the parties have decided to forget the enmity and live in harmony and thus have compromised the matter. The compromise deed along with supporting affidavits is on record as Annexures PA1 to PA4. Learned counsel further state that in view of the compromise they are not pressing these appeals and revision on merit and are not challenging the conviction on merit. They are only aggrieved against the sentence part.

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Learned counsel for the appellants further pray that the sentence of the appellants be suitably reduced as this criminal trial is hanging on their head like Damocle's sword for more than 12 years and it should be a sufficient mitigating circumstance to treat them leniently. They are actually aggrieved against the sentence part as the case between the parties has arisen out of the same occurrence and parties have also effected compromise between them and an affidavit to that effect is on record.

Since the parties have effected compromise, although the offences are serious in nature, however as they have been facing the trial for the last about 12 years, the case of appellants is squarely covered by the judgment of Hon'ble Apex Court in **Gulam Das and ors. Vs. State of MP, 2012(1) RCR (Criminal), 220** and the judgment of High Court of Rajasthan in **Dilip Kumar Vs. State of Rajasthan, 2012(1), RCR (Criminal), 222** in which, the factum of the compromise between the parties has been taken into consideration, while reducing their sentence. The aim of the said judgments and the compromise arrived at between the parties, can be taken into consideration for determining the quantum of sentence to be awarded to the appellants.

In view of the settled law in the judgments cited above and apart from the compromise there are other circumstances which persuade me to interfere on the question of sentence awarded to the appellants in both the appeals. Accordingly, the sentence awarded to the appellants is reduced to the period already undergone by them.

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Resultantly the conviction is upheld, however, order of sentence stands modified as ordered above. The appeals stand disposed of. Consequently, the revision petition has become infructuous and is disposed of accordingly.

A photocopy of this order be placed on the connected files.

08.04.2015
prince

(Paramjeet Singh)
Judge