

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. Crl. Appeal No. S-1732-SB of 2015 (O&M)

Jagmeet Singh

.....Appellant

Versus

State of Punjab and another

.....Respondents

2. Crl. Appeal No. S-1066-SB of 2015 (O&M)

Natha Singh and others

.....Appellants

Versus

State of Punjab and another

.....Respondents

DATE OF DECISION: 26.8.2015

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment?**
2. **To be referred to reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

Present:- Mr.Ashutosh Hoshiarpuri, Advocate
for the appellant in Crl. Appeal No. S-1732-SB of 2015.

Mr. Veneet Sharma, Advocate
for appellants No.1 to 6 in Crl. Appeal No. S-1066-SB of 2015.

Mr. Nakul Sharma, Advocate
for appellant No. 7 in Crl. Appeal No. S-1066-SB of 2015.

Mr. Kulbhushan Soi, Advocate
for the complainant.

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

DAYA CHAUDHARY, J.

This judgment of mine shall dispose of two criminal appeals

bearing Nos. S-1732-SB of 2015 and S-1066-SB of 2015 as both the appeals arise out of the same judgment of conviction and order of sentence dated 24.2.2015 passed by Additional Sessions Judge, Ferozepur.

In Crl. Appeal No. S-1732-SB of 2015, notice of motion was issued on 21.4.2015, whereas, Crl. Appeal No. S-1066-SB of 2015 was admitted on 9.3.2015. Recovery of fine was also stayed in both the appeals. During pendency of aforesaid appeals, a compromise has been arrived at between the parties and affidavits of complainant as well as injured have been placed on record separately stating therein that the dispute between the parties has been settled by way of compromise and now they have no objection in case the accused-appellants are acquitted of the charges framed against them.

Learned counsel for the appellants submit that it is a complaint case as earlier the FIR was lodged but it was cancelled because specific and several allegations were levelled. Subsequently, criminal proceedings were initiated on the basis of complaint. Learned counsel for the appellants further submit that on perusal of injuries caused to the injured, no offence is made out under Section 307 IPC and at the most it can be a case under Section 325 IPC. Neither any injury was caused with any weapon nor any weapon was recovered. Even no grievous injury was caused to the complainant or the injured. As per opinion of the Doctor, no offence is made out under Section 307 IPC or even under Section 326 IPC.

Learned counsel for the respondent-State submits that all the accused-persons were armed with deadly weapons and multiple injuries were caused to the complainant as well as injured.

Learned counsel for the complainant as well as injured submits that the dispute between the parties has been settled by way of compromise and now the complainant as well as injured have no objection

in case the accused-appellants are acquitted of the charges framed against them.

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

The injuries caused on the person of complainant-injured-Vikram are reproduced as under:-

1. 6cm x .5 cm lacerated wound on the right parital region, 10 cm from right pinna. X-ray was advised.
2. 12 cm x 7 cm red bruise back of left arm, 7 cm above elbow joint.
3. 8 cm x 2 cm red bruise lateral aspect of left arm at lower end.
4. 5 cm x 2 cm red bruise lateral aspect of elbow joint.
5. 8 cm x 2 cm red bruise lateral aspect of left forearm. 8 cm above wrist joint.
6. 4 cm x 2 cm red bruise lateral aspect of left forearm just above injury no.5
7. 13 cm 3 cm red bruise right scapular region.
8. 13 cm x 8 cm red bruise right scapular region, 2 cm below injury no.7.
9. 10 cm x 3 cm red bruise left scapular region.
- 10.32 cm x 32 cm red bruise back of right thoracic region.
- 11.4 cm x 4 cm red bruise right lower part of right thoracic region (bak) 2 cm below injury no.10.
- 12.10 cm x 3 cm red bruise right iliac region.
- 13.7 cm x 2 cm red bruise lateral aspect of right knee joint.
- 14.Complaint of pain right forearm. X-ray was advised.

Similarly, injuries caused on the person of injured-Nitin are also reproduced as under:-

1. 1 cm x 3 cm superficial lacerated wound right parietal region
3 cm in front of right pinna.
2. 10 cm x 2 cm red bruise anterior aspect of right shoulder.
3. 14 x 3 cm red bruise back of right thoracic region.
4. 8 x 3 cm red bruise back of right thoracic region in the lower aspect.
5. 15 x 5 cm red bruise right lumbar region.
6. 7 x 3 cm red bruise middle of left arm in the lateral aspect.
7. 12 x 3 cm and 11 cm x 3 cm red bruise left scapular region.
8. 3 cm x 2 cm superficial abrasion lateral aspect of left elbow joint.
9. 11 x 2 cm red bruise anterior aspect of right shoulder joint.
10. 6 cm x 2 cm red bruise lateral aspect of left elbow.
11. Complaint of pain right occipital region. X-ray was advised.
12. 2 cm x 1 cm red bruise right lower shin.

A perusal of injuries mentioned above would show that it cannot be said to be a case under Section 307 IPC. Moreover, nothing has been mentioned in the judgment of the trial Court as to whether the weapon was recovered or not. The only allegation in the FIR is that gun shot was fired but no injury has been caused on the person of the complainant or the injured. A perusal of nature of injuries, the evidence recorded by the trial Court as well as the opinion of the Doctor shows that no offence is made out under Section 307 IPC and at the most it can be a case under Section 325 IPC.

Moreover, the matter has been compromised between the

parties and the complainant as well as injured have no objection in acquittal of the accused-persons from the charges levelled against them as they are not interested in pursuing the proceedings initiated against the accused-persons. The purpose of compromise is to maintain peace and harmony in the relations. Both the parties belong to the same area and the compromise between them is with the intervention of the respectables of the same area just to maintain cordial relations in the locality.

Accordingly, both the appeals are allowed and complaint under Sections 307,341,323,148,149 IPC and 25/27/54/59 of Arms Act and other proceedings including the judgment dated 24.2.2015 passed by Additional Sessions Judge, Ferozepur are set aside. Accused-appellants are acquitted of the charges framed against them and they are directed to be released forthwith, if not required in any other case.

August 26, 2015
pooja

(DAYA CHAUDHARY)
JUDGE