

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

**Crl. Appeal No. S-1180-SB of 2002
Date of decision : 28.10.2015**

Sahib Singh and others

... Appellants

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of 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?

**Argued by:- Mr. P.S. Ahluwalia, Advocate
for the appellants.**

Mr. Deep Singh, AAG Punjab.

**Jaswinder Singh-complainant in person with
Mr. B.S. Dhillon, Advocate**

ANITA CHAUDHRY, J.

The appellants have laid challenge to the judgment and order of conviction and sentence dated 17.07.2002 by virtue of which appellants were held guilty under Sections 307, 323/34 IPC and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs. 1000/- and in default to further undergo imprisonment for one month under the first head and rigorous imprisonment for 15 days under the second head.

As per prosecution allegations, a quarrel took place on 19.6.1998. Accused Sahib Singh was armed with gandasa, Amrik Singh was armed with danda and accused Jit Singh and Jarnail Singh were empty handed. They had caused injuries to Jaswinder Singh which was held to be dangerous to life.

On the strength of testimonies of prosecution witnesses, including the complainant and injured and medical evidence, the trial Court held them guilty and sentenced them in the manner indicated above.

During the course of arguments, learned counsel for the appellants did not touch the merits of the case and has urged that the parties were closely related and now good sense had prevailed, they have decided to settle the dispute by entering into a compromise. Affidavits of injured-complainant Jaswinder Singh had been filed, wherein the factum of the parties having entered into compromise is reiterated. Jaswinder Singh injured has appeared before this Court and has affirmed the compromise. He has received compensation amount recorded in the compromise deed. It is prayed that a lenient view may be taken in the matter of sentence awarded to the appellants.

Hon'ble Apex Court in the case of **Nanda Gopalan Vs. State of Kerala 2015(2) RCR(Crl.) 861** has held that where the parties are compounding the offence in non-compoundable offences, taking into account the compromise between the parties, particularly when they were close relatives, reduction in sentence could be ordered.

In the instant case, the parties have put an end to their grievance and have settled the dispute and attempt has been made to promote peace and harmony amongst themselves. They are closely related. The occurrence pertains to the year 1998. The appellants have also undergone the agony of a long trial. Custody certificates show that appellant Sahib Singh had undergone five

months and one day of sentence while appellant Amrik Singh had remained in custody for one months and thirteen days.

It is apt to mention here that parties are closely related to each other. Considering the fact that the incident took place in 1998 and no other incident had taken place in the intervening span of 17 years and there is no animosity left, the conviction of the appellants is maintained. However, the sentence is reduced to the period already undergone by them. The sentence of fine is maintained.

With the above modification, the instant appeal stands disposed of.

October 28, 2015

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**(ANITA CHAUDHRY)
JUDGE**