

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

**Crl. Misc. No.2074 of 2014 in/and
CRA No.S-663-SB of 2002 (O&M)
Date of Decision: 01.04.2015**

Surjit Singh and others

....Appellants

Vs.

State of Punjab.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Aman Pal, Advocate
for the appellants.

Mr. P.S. Bajwa, Addl. Advocate General, Punjab

Amol Rattan Singh, J (Oral)

This application seeks that the appeal itself may be decided in the light of the fact that the appellants have entered into a compromise with the complainant, Rawinder Pal Singh, who suffered 4 injuries at the hands of the appellants, leading to registration of FIR No.95, dated 01.05.1997 against them, for the commission of an offence punishable under Sections 307, 325, 323 read with Sections 148/149 of the IPC at Police Station Kotwali, District Sangrur. The other person stated to have been injured along with Rawinder Pal Singh was his uncle Iqbal Singh, who is stated to have received legs and fist blows but no MLR in respect of any specific injury received by him was produced before the trial Court.

Mr. Aman Pal, learned counsel for the appellants submits that appellant No.2-Harpreet Singh has already died which fact had been brought to the notice of this Court, consequent upon which the appeal qua Harpreet Singh stood abated. He further informs that Jagjit Singh, who was also a co-accused, had died during the course of the trial itself.

Mr. Aman Pal further states that as is evident from a copy of the compromise deed, Annexure A-1 (with CRM No.2074 of 2014), Iqbal Singh has also died in England on 22.09.2002 and as such the only person who stands affected is Rawinder Pal Singh, who has entered into a compromise with the appellants.

He admits, on a query by the Court, that since the matter cannot be compromised even on the basis of a compromise deed, after a conviction has been recorded, in view of the Supreme Courts' judgment in **Narinder Singh and others Vs. State of Punjab and another**, 2014(2) RCR (Criminal) 482; however, in case the Court is not inclined to allow the appeal on merits, the sentence imposed upon the appellants can be reduced to the period of incarceration already undergone by them.

Mr. Bajwa, learned State counsel, submits that the appellants have undergone less than 2 months of actual imprisonment, including the trial period, as per custody certificates which are placed

on record today, in view of the fact that the sentences imposed upon the appellants were suspended, after the appeal was admitted to regular hearing.

Learned State counsel, therefore, submits that in view of the fact that the appellants had actually inflicted grievous injuries on at least Rawinder Pal Singh, they should not be allowed to get away lightly, as, of the offences for which they stand convicted, one is for an offence punishable under Section 307 of the IPC (and others are lesser offences), and as such the offences are against the State even though the victims are obviously private citizens.

A perusal of the judgment in **Narinder Singhs'** case (supra) shows that it was held by the Apex Court that an FIR should not be quashed on the basis of any compromise which has been reached between the parties, unless the gravity of the offence is such which would justify such quashing and after conviction, in any case, the FIR cannot be quashed. However, in that case also, which was again a matter arising out of an FIR registered for the commission of offences punishable under Sections 307, 324, 323 of the IPC read with Section 34 of the IPC, eventually, on the basis of the fact that a compromise had been entered into between the parties, the sentence imposed upon the convicts was reduced to the period of imprisonment already undergone by them.

No doubt, the Apex Court exercising jurisdiction under Articles 142 of the Constitution can decide a matter to do a complete justice between parties; however, since even in **Narinder Singhs'** case, while laying down the principles by which this Court would be guided “in giving adequate treatment to the settlement between the parties,” while exercising its powers under Section 482 of the Criminal Procedure Code, the Supreme Court did not lay down a bar on reducing the sentence of a convict to the period already undergone by him, in case a compromise is reached between the complainant and the convicts.

Nevertheless, the fact is, as submitted by Mr. Bajwa, learned State counsel, that though Rawinder Pal Singh who was inflicted 4 injuries, including one on head attributed to appellant No.1, Surjit Singh, has entered into a compromise with all the appellants, including Surjit Singh, the offence still remains one against the State.

Hence, though this Court may not otherwise be inclined to do so, however, in view of the fact that a compromise has been reached between the complainant and the appellants, the prayer to reduce the sentence to the period already undergone by the appellants, in imprisonment, is accepted; especially in view of the fact that the incident is of the year 1997, i.e. almost 18 years earlier. However, it is felt that the appellants should be subjected to a substantial fine over

and above what was imposed by the trial Court, while sentencing them for the commission of the offence punishable under Section 307 read with Section 149 of the IPC.

Hence, while reducing the sentence of the appellants to the period of imprisonment already undergone by them, the fine imposed upon each of the remaining appellants, is enhanced to Rs.50,000/-. Thus, while maintaining the conviction of the appellants, the sentence upon each of them is reduced to the period of imprisonment already undergone by each of them, with the fine imposed, as enhanced aforesaid.

In case the said fine is not deposited within three months from the date of receipt of a certified copy of this order, the appeal shall be taken to have been dismissed and the appellants would be taken in custody to serve out the remaining part of the sentence as imposed by the trial Court.

April 01, 2015
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(Amol Rattan Singh)
Judge