

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-35174-2015

Date of Decision: October 15, 2015

Sarwan Singh @ Samma and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Harpal Singh, Advocate,
for the petitioners.

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| 1. | <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | YES |
| 2. | <i>To be referred to the Reporters or not?</i> | YES |
| 3. | <i>Whether the judgment should be reported in the Digest?</i> | YES |

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 482, Cr.P.C., is for quashing of FIR No. 98, dated 22.9.2015 (Annexure P-1), for the offences punishable under Section 307 read with Section 34, IPC, and Section 27 of the Arms Act, registered at Police Station, Sadar, Abohar, District Fazilka, and all the

consequential proceedings arising therefrom, on the basis of the compromise dated 30.9.2015 (Annexure P-2) and affidavit dated 30.9.2015 (Annexure P-3), sworn by respondent No. 2.

Learned counsel for the petitioners submits that during pendency of the investigation, respondent No.2/informant-injured, Jagdeep Singh @ Deepa, has sorted out his dispute and effected a compromise (Annexure P-2) with the petitioners, therefore, the impugned FIR and all the consequential proceedings emanating therefrom be quashed. In support of his contention, learned counsel has placed reliance on a judgment of Hon'ble the Supreme Court in the matter of **Narinder Singh and others v. State of Punjab and another**, 2014 (2) R.C.R. (Criminal) 482.

I have heard learned counsel for the petitioners and with his able assistance gone through the material available on record.

The brief facts of the case are that the impugned FIR was registered on the statement of respondent No. 2/informant, Jagdeep Singh @ Deepa. He alleged that on 20.9.2015, when he and Jaskaran Singh, were proceeding towards their fields, then they found that petitioner No. 1, Sarwan Singh @ Samma, armed with a .12 bore rifle, his nephew Sonu @ Sukhwinder Singh

(petitioner No. 2), armed with a *Daang*, and two more unknown persons, while carrying herd of cows were proceeding towards the fields of the informant. When the informant and his nephew asked the petitioners not to turn the herd of cows towards the fields belonging to the informant side, then the petitioners started abusing the informant and his nephew. Thereafter, petitioner No. 2, Sonu @ Sukhwinder Singh, raised a *lalkara* to teach a lesson to the informant side and thereafter petitioner No.1, Sarwan Singh @ Samma, fired a shot with a .12 bore rifle being carried by him, then the herd of cows entered into the fields of the informant side. Respondent No. 2/informant, Jagdeep Singh @ Deepa, and his nephew attempted to stop the cows from entering into their fields, then petitioner No. 1, Sarwan Singh @ Samma, fired another shot from his .12 bore rifle towards the aggrieved persons with an intention to kill respondent No. 2, Jagdeep Singh @ Deepa. When the informant side raised noise, then the petitioners took to their heels with weapons. Respondent No. 2/informant, Jagdeep Singh @ Deepa was taken to the hospital where his medico-legal report was prepared. Assessing the condition of respondent No. 2/informant to be critical, he was referred to the Medical College and Hospital, Faridkot. On the basis of his statement,

FIR for the offences punishable under Section 307 read with Section 34, IPC, and Section 27 of the Arms Act was registered.

Subsequent to the matter of **Narinder Singh (supra)**, whereupon reliance has been placed by learned counsel for the petitioners, Hon'ble the Supreme Court in the matter of **State of M.P. v. Manish and others, 2015 (3) R.C.R. (Criminal) 710**, has held that the offence punishable under Section 307, IPC, definitely is against the society and the accused have to face trial and come out unscathed by demonstrating their innocence.

In the matters of **Yadwinder Singh @ Lakhi Singh and others v. State of Punjab and another (CRM-M-11678-2015, decided on 21.09.2015)** and **Vivek Sharma @ Vivek and others v. State of Punjab and others (CRM-M-18036-2015, decided vide separate judgment of even date)**, this Court also held that the offence punishable under Section 307, IPC, was against the society and, as such, the proceedings in such a case could not be quashed on the basis of compromise effected between the injured and the accused.

In the case in hand, the FIR has been registered against the petitioners for the offences punishable under Section 307 read with Section 34, IPC, and Section 27 of the Arms Act,

and, as such, the proceedings in the present case cannot be quashed even though respondent No.2/informant-injured, Jagdeep Singh @ Deepa, has entered into a compromise with the petitioners.

In view of above, there is no merit in the present petition and the same is dismissed.

(NARESH KUMAR SANGHI)
JUDGE

October 15, 2015
P Kapoor