

In the High Court of Punjab and Haryana at Chandigarh

.....

(1) Criminal Misc. No.2651 & 2652 of 2015 and
Criminal Revision No.3591 of 2014 (O&M)

.....

Date of decision:30.1.2015

Darshan Singh and another

...Petitioners

v.

State of Punjab and another

...Respondents

....

(2) Criminal Revision No.3809 of 2014 (O&M)

.....

Bhupinder Singh alias Lovely

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. D.S. Malwai, Advocate for the petitioners in Cr. Rev.
No.3591 of 2014.

Mr. Gurcharan Dass, Advocate for the petitioner in Cr. Rev.
No.3809 of 2014.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

Mr. Rajnikant Upadhyay, Advocate for the complainant.

.....

Inderjit Singh, J.

Cr. Misc. No.2651 of 2015:

During the pendency of revision petitions, Criminal Miscellaneous Application No.2651 of 2015 has been filed in Criminal Revision No.3591 of 2014, for placing on record the compromise dated 19.1.2015 (Annexure-P.2) and for permission to compound the offences as per the compromise effected between the parties. The criminal miscellaneous application is allowed and compromise dated 19.1.2015 (Annexure-P.2) is taken on record subject to all just exceptions.

Cr. Misc. No.2652 of 2015:

The criminal miscellaneous application has been filed to implead complainant-Jaswant Singh as respondent No.2 in Criminal Revision No.3591 of 2014.

For the averments made in the criminal miscellaneous application, the same is allowed and complainant-Jaswant Singh is impleaded as respondent No.2.

Cr. Rev. No.3591 of 2014 &
Cr. Rev. No.3809 of 2014:

This judgment will dispose of the above mentioned two criminal revision petitions which have arisen from a common judgment dated 16.10.2014 passed by learned Additional Sessions Judge, Sangrur, whereby the appeals filed by the petitioners against the judgment of conviction and order of sentence dated 4.4.2012 passed by the learned Judicial Magistrate Ist Class, Sunam, have been dismissed.

It is stated in the grounds of revision petitions that the judgments of both the Courts below i.e., impugned judgment and order dated 4.4.2012 passed by learned Judicial Magistrate Ist Class, Sunam,

vide which the petitioners have been convicted for the offences under Sections 420 and 506 read with Section 120-B IPC and sentenced to undergo rigorous imprisonment for two years each and to pay a fine of ₹500/- each and in default of payment of fine to further undergo rigorous imprisonment for three months each for the offence under Section 420 read with Section 120-B IPC and to undergo sentence of fine of ₹500/- each and in default of payment of fine to further undergo rigorous imprisonment for three months each for the offence under Section 506 IPC and impugned judgment dated 16.10.2014 passed by the learned Additional Sessions Judge, Sangrur, dismissing the appeals, are against law and facts and have been passed on the basis of conjectures and surmises and cannot stand the test of judicial scrutiny on the point of legal evidence and both are liable to be reversed and the petitioners deserve to be acquitted.

Notice of motion has been issued in these cases.

Mr. S.S. Chandumajra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Rajnikant Upadhyay, learned Advocate has put in appearance on behalf of the complainant and contested these revision petitions.

I have heard learned counsel for the petitioners and learned Deputy Advocate General, Punjab appearing for the respondent-State as well as learned counsel for the complainant and have gone through the record.

Learned counsel for the complainant-respondent No.2 states

that compromise has already been effected between the parties and the complainant has no objection if the offences are compounded.

Keeping in view the facts and circumstances of the present cases and the fact that compromise has already been effected, the parties have already compounded the offences and in view of lawful composition, the offences under Sections 420 read with Section 120-B and 506 are compounded. Therefore, the criminal revision petitions are allowed. The accused-petitioners are acquitted of the charges as framed against them. They be set at liberty forthwith, if their custody is not required in connection with any other case.

January 30, 2015.

(Inderjit Singh)
Judge

hsp