

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

302

CRA-S-22-SB of 2001
DATE OF DECISION: 10.11.2016.

Ram Singh and others

....Appellants.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN

Present: Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate
for the appellants.

Mr. Munish Dev, Sharma,
Assistant Advocate General, Haryana.
Assisted by Mr. Bhag Singh, Advocate
for the complainant.

Shekher Dhawan, J.

Present appeal is directed against the judgment of conviction dated 22.12.2000 and order of sentence dated 23.12.2000 passed by learned Additional Sessions Judge, Kaithal, whereby the appellants were convicted and sentenced as under:-

Name	Under Section	Sentence	In default
1. Ram Singh 2. Ram Chander @ Manu 3. Jaipal @ Pola 4.Kehru@ Kehar Singh	Section 307 read with Section 149 of Indian Penal Code (for short, "I.P.C.")	to undergo Rigorous Imprisonment for five years each and to pay of fine of ₹2000/- each.	To further undergo RI for one year each.
5. Mehru @ Mehar Singh 6. Desha @ Desh Raj 7. Manna @ Man Singh 8. Budho Devi	Section 325 read with Section 149 I.P.C.	to undergo Rigorous Imprisonment for two years and to pay of fine of ₹500/- each.	To further undergo RI for three months each.

	Section 323 read with Section 149 I.P.C.	to undergo Rigorous Imprisonment for six months and to pay of fine of ₹200/- each.	To further undergo RI for one month each.
	Section 149 I.P.C.	to undergo Rigorous Imprisonment for one year and to pay of fine of ₹300/- each.	To further undergo RI for two months each.

Relevant facts for the purpose of decision of this appeal; that on 26.09.1997 all the appellants, armed with Gandasi and Lathis, caused injuries to Ramesh, Sardara Ram, Amar Nath and Satyawar with lathi blows and injury on the person of Ramesh with Gandasi blow which hit on his head and that attracted Section 307 I.P.C. Injured were medico legally examined.

After completion of investigation proceedings, challan was presented in the Court for trial.

During trial, learned Court below completed various proceedings of trial including framing of charge against the accused, recording of evidence of the witnesses and examination of accused under Section 313 Cr.P.C. After considering the prosecution and the defence evidence on record, the trial Court held the appellants guilty and convicted them for commission of offence under Section 149, 307, 325, 323 read with Section 149 of IPC on 22.12.2000 and sentenced them on 23.12.2000.

Aggrieved of passing of judgment of conviction and order of sentence, the appellants are before this Court by way of present appeal.

At the time of arguments, learned counsel for the appellants as well as learned counsel representing the complainant/injured contended that parties have entered into a compromise with the intervention of the

Accordingly, the matter was referred back to the learned trial Judge to record the statements of both the parties. In compliance of said order, District and Sessions Judge, Kaithal forwarded the report prepared by Judicial Magistrate Ist Class, Guhla, who after recording the statement of the parties reported that both the parties have entered into a compromise without any threat and coercion and the compromise would bring peace and harmony between the parties. On perusal of the report as well as statements, of the parties this Court is satisfied that the parties have entered into compromise and if the necessary permission to compound the offence under Section 307 I.P.C. is accorded that will be for the advancement of justice. Such a view was taken by the Division Bench of this Court in CRM-38140-M of 2011 titled as '**Sube Singh and another Vs. State of Haryana and another**' decided on 09.04.2013. Further, learned counsel for the appellants also submitted that the appellants have already undergone actual sentence of more than eight months.

Accordingly, necessary permission to compound the offence and to enter into compromise is granted to the parties. Resultantly, the present appeal is accepted and the appellants are acquitted of the charge. Judgment of conviction dated 22.12.2000 and order of sentence dated 23.12.2000 are set aside.

(SHEKHER DHAWAN)
JUDGE

10.11.2016.
komal

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No