

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

Crl. Appeal S-1635-SB of 2004
Date of Decision : November 15, 2016

Jang Singh	VERSUS	Appellant
State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Amandeep Singh Cheema, Advocate
for the appellant.

Mr. Vikram Bishnoi, Assistant Advocate General, Punjab.

Mr. Amandeep Singh, Advocate for
Mr. Narinder Singh, Advocate
for the complainant.

T.P.S. MANN, J. (Oral)

The petitioner and one Niranjn Singh were tried for committing offences punishable under Sections 452 and 307/34 IPC. Vide judgment and order dated 7.8.2004, learned Additional Sessions Judge, Mansa, acquitted them of the charge under Sections 307/34 IPC. Niranjn Singh was also acquitted for the offence under Section 452 IPC. Only the appellant was held guilty under Section 452 IPC and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for one month. The period of detention already undergone by him during the inquiry/trial was ordered to be set off against the awarded sentence.

This Court need not to go into the merits of the case for the reason that during the pendency of the appeal, the appellant, on the one hand, and complainant Darshan Singh and his wife Charanjit Kaur, on the other have amicably settled the matter between themselves. In view of the same, the appellant filed a miscellaneous application under Section 482 Cr.P.C. for placing on record the compromise deed dated 15.10.2016, which application was allowed on the last date of hearing and the compromise deed was taken on record as Annexure A-1. Simultaneously, complainant Darshan Singh and his wife Charanjit Kaur made a joint statement before this Court to the effect that both the parties were residents of the same village and their agriculture lands also adjoined each others. Further, at the intervention of the respectables, they had entered into a compromise with the appellant and pursuant to the same, both the parties had even started visiting the house of each other and participating in various social functions. The complainant and his wife Charanjit Kaur also stated in unison that they have no objection if any benefit accruing on account of compromise was extended to the appellant. They identified their signatures on compromise deed (Annexure A-1) besides producing attested copies of their respective Aadhaar cards in order to establish their identities.

The offence under Section 452 IPC, for which, the

appellant stands convicted is not lawfully compoundable. However, the factum of the parties entering into a compromise deed can be considered as a mitigating circumstance while determining the question of sentence.

From the records, it is made out that the appellant was arrested on 17.4.2001 and, subsequently, he was granted the concession of regular bail during the trial of the case pursuant to the order passed by this court on 28.8.2001.

The appellant is facing the agony of criminal prosecution for the last more than fifteen years. He already stands acquitted of the charge under Section 307 IPC and convicted for the offence under Section 452 IPC, for which, he has been awarded imprisonment for a period of one year. Complainant Darshan Singh and his wife Charanjit Kaur have since settled the matter with the appellant. So much so, that they have even started visiting each other's house and participating in various social functions organized by them. The appellant has already undergone a period of about 4 ½ months out of the sentence of one year imposed upon him.

Taking into consideration the totality of the circumstances, this Court is of the view that no useful purpose will be served by sending the appellant behind the bars, once again, for undergoing the remaining sentence of imprisonment imposed upon him. Ends of justice shall be suitably met, if the same is

reduced to the one already undergone by him.

Resultantly, the conviction of the appellant under Section 452 IPC is upheld. His substantive sentence of imprisonment is reduced to the one already undergone by him. The sentence of fine along with its default clause is maintained.

The appeal is, accordingly, disposed of.

November 15, 2016
amit rana

(T.P.S. MANN)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No