

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

**Criminal Appeal S-321-SB of 2007
Date of Decision: February 25, 2016.**

Suraj Pal and others		Appellants
	Versus	
The State of Haryana		 Respondent

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

Present : Mr. Sandeep Verma, Advocate for
Mr. Adish Gupta, Advocate
for the applicants/appellants.

Mr. Dhruv Dayal, Deputy Advocate General, Haryana.

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

The appellants were tried for committing offences punishable under Sections 148, 323, 324, 307, 506 read with Section 149 IPC for causing injuries to PW1 Ranjit, PW2 Daya Kishan, PW8 Parveen and one Panna Lal besides criminally intimidating them. Vide judgment and order dated 25/31.1.2007, learned Additional Sessions Judge (Adhoc) Fast Track Court No. III, Faridabad, convicted them under Section 148 IPC and sentenced them to undergo rigorous imprisonment for a period of one year each. They were also convicted under Section 323 read with Section 149 IPC and sentenced to undergo rigorous imprisonment for six months each. They were further convicted

under Section 324 read with Section 149 IPC and sentenced to undergo rigorous imprisonment for a term of two years and to pay a fine of Rs. 500/- each and in default of payment of fine, to further undergo rigorous imprisonment for three months. They were also convicted under Section 307 IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine a Rs.500/- each and in default of payment of fine, to further undergo rigorous imprisonment for three months. They were further convicted under Section 506 read with Section 149 IPC and sentenced to undergo rigorous imprisonment for one year each. All the sentences were ordered to run concurrently. The period of imprisonment already undergone by them during the trial of the case was ordered to be set off against the substantive sentences of imprisonment.

The case of the prosecution, as noted by the trial Court in para 2 of the impugned judgment of conviction and sentence, is as under:-

“That on 31.1.2002, a medical rukka was received regarding admission of Daya Kishan by ASI Ishraj. Accordingly, ASI Ishraj along with other police officials went to General Hospital, Ballabgarh. On enquiry doctor told that the injured has been referred to B.K. Hospital, Faridabad. ASI Ishraj

received information that injured has been admitted in Escorts Medical Centre. On reaching Escorts Medical Centre Faridabad on his request the doctor opined that Daya Kishan is unfit for making statement. In the meantime, Parveen son of Tej Singh met and made statement. In statement Parveen interalia stated that he is serving in Roadways. Surajpal son of Rohtash had given a greeting card to his sister Anju. His sister had complained to him that Surajpal had given a greeting card with obscene words. On this, he asked Surajpal as to why he gave the greeting card to his sister, which is wrong thing. On his asking Surajpal felt offended and deputed some notorious boys to follow him. The notorious boys encircled Panna Lal his cousin (son of Chacha) on Ambekar chowk, Ballabgarh. Out of those notorious boys one was Ashok of village Malerna. Today a panchayat was convened in choppal of village. In panchayat all respectables of village had collected. Panna Lal, Ranjeet sons of Man Singh and his uncle Daya Kishan were present for amicable settlement between the parties. But before amicable settlement could take place Ashok Kumar resident of Malerna was suspected to be possessing a country made pistol. Search of Ashok was demanded. Ashok gave country made pistol to his companion Saman son of Rattan Singh who ran away. On this Baldev son of Rattan, Udai Pal

son of Rohtash, Ishwar Singh son of Jai Pal, Subhash son of Joginder, Dharmu son of Joginder, Vijay Pal son of Shyam Lal, Raj Kumar son of Bijender, Surajpal son of Rohtash and Ashok Kumar residents of Malerna got infuriated. They brought lathies, knives, swords etc. Udai Pal gave him lathi blow on his head. Baldev gave lathi blow on his right hand. Ishwar gave him lathi blow on his right shoulder. Subhash gave lathi blow and Baldev gave brick blow on head of Daya Kishan and to his brother Panna Lal. Raju son of Bijender gave blow on index finger of his right hand. Dharmu son of Jagan gave lathi blows to Ranjeet and Ishwar. Ashok also gave lathi blow. Surajpal and Udai Pal gave lathi blows to Ranjeet. Daya Kishan was first taken to General Hospital, Ballabgarh from there doctor referred him. His uncle had become unconscious at the spot. Vijay Pal son of Shyam Lal had given a sword blow. Above said persons had caused injuries illegally. Nand Kishore son of Chandiram and Rajender Singh son of Girdhari intervened and saved them. The occurrence had taken place at about 1.00 p.m. On basis of statement Ex.P3 and MLR ASI Ishraj made endorsement Ex.P4/A. In pursuance to endorsement FIR No. 59 dated 31.1.2002, under Sections 148, 149, 323, 506 IPC was registered at Police Station, Sadar Ballabgarh. Copy of FIR is Ex.P3/1. ”

Learned counsel for the appellants submits that the appellants do not want to challenge their conviction, as recorded by the learned trial Court. However, it is submitted that at the intervention of respectables of the society, the matter between the appellants and the four injured has since been amicably settled. It has also been stated that pursuant to order dated 28.1.2015 passed by this Court, the appellants on the one hand and four injured on the other, appeared before the Ilaqa Magistrate, Faridabad on 8.6.2015 and got recorded their respective statements, wherein, they confirmed the factum of compromise arrived at between the parties. The compromise deed recorded in that regard was also produced before the Ilaqa Magistrate. After recording the statements, the Ilaqa Magistrate has submitted his report to the effect that a compromise stands effected between the parties without their being any threat, coercion or pressure from either side and the compromise deed Ex.C1 is a valid document. It is submitted that the appellants are facing the agony of criminal prosecution for the last more than fourteen years. Each of the appellants, had remained behind the bars for a week. They are on bail for the last more than nine years. None of them has misused the concession of bail in any manner. Prayer has, accordingly, been made for setting aside the remaining sentences

of imprisonment of the appellants.

Learned State counsel has submitted that though the parties have settled the matter *inter se* yet keeping in view the fact that four persons on the complainant side i.e. Daya Kishan, Parveen, Panna Lal and Ranjit had received injuries on their person and one of the injuries received by Daya Kishan was declared to be dangerous to life, none of the appellants deserves any concession in the matter of sentence of imprisonment.

Custody certificates have already been placed on record by the learned State counsel, as per which, each of the appellant had undergone a period of seven days during the trial of the case.

Having heard learned counsel for the parties and on going through the report dated 11.6.2015 prepared by the Judicial Magistrate 1st Class, Faridabad, in view of the statements made by the four injured persons on the one hand and all the appellants on the other and, accordingly, concluding that the parties have entered into a valid compromise; all the appellants were in the age group of 20 to 22 years at the time of the occurrence; none of the appellants has misused the concession of bail in any manner, this Court is of the considered view that no useful purpose will be served by sending the appellants behind the bars, once again, to

serve their remaining sentences of imprisonment imposed upon them.

Resultantly, the conviction of the appellants, as recorded by the trial Court, is maintained. However, their substantive sentences of imprisonment are reduced to the one already undergone by them. The sentences of fine along with their default clauses are maintained.

The appeal is, accordingly, disposed of.

February 25, 2016
amit rana

(T.P.S. MANN)
JUDGE