

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-217-SB-2004

Date of decision: 23.09.2016

Onkar Singh and others

..... Appellants

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. MK Garg, Advocate for the appellants.

Mr. A.S. Klar, AAG, Punjab.

Mr. PS Brar, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

1. Appellants-Onkar Singh, Pargat Singh, Chhina Singh, Satnam Singh and Dalbara Singh, have preferred the instant appeal against the judgment of conviction and order of sentence dated 29.11.2003, passed by the learned Additional Sessions Judge, Faridkot, in cross-version registered under Sections 307, 323, 324, 148 and 149 IPC in FIR No. 86 of 22.05.1996, Police Station Baghapurana. Vide impugned judgment, the appellants were convicted under Sections 307, 323, 324, 148 read with Section 149 IPC and the maximum sentence awarded to them is to undergo rigorous imprisonment for a period of 5 years and to pay a fine of ₹ 2000/- each and in default of payment of fine to further undergo rigorous imprisonment for a period of 06 months each under Section 307/149 IPC. However, appellant No. 3-Chhina Singh is stated to have died.

was passed:-

Learned State counsel has filed custody certificates of the appellants in Court today. The same are taken on record. She further prays for more time to comply with the order dated 09.09.2015.

Learned counsel for the parties are ad idem that a compromise has been reached between the parties.

Adjourned to 15.09.2016.

In the meanwhile, parties are directed to appear before the Chief Judicial Magistrate, Moga on 23.08.2016, to record their statements regarding the factum of compromise. The Chief Judicial Magistrate, Moga shall ensure that the same is genuine, voluntary and without any threat, coercion or pressure. It is further directed that a written compromise bearing signatures/thumb impressions of both the parties alongwith particulars of the attesting witnesses thereto be filed before the Chief Judicial Magistrate, Moga.

The Chief Judicial Magistrate, Moga shall send the report regarding genuineness of compromise and also the terms of settlement along with copies of the statements of the parties and the compromise before the next date.

Registry shall send a copy of this order to learned Chief Judicial Magistrate, Moga by FAX also.

To be heard along with CRA-S-2372-SB-2003.

3. In compliance with the aforesaid order, report from the learned Additional Chief Judicial Magistrate, Moga dated 29.08.2016 has been received. According to the same, both the parties have compromised the matter and resolved the dispute out of their own free will and consent. Compromise between the parties is without any coercion, influence and is genuine one.
4. A perusal of the compromise dated 25.09.2015 (Annexure A-3 in CRA-S-2372-SB-2003) shows that the parties have compromised the matter with the interference of respectable persons. As they are neighbourers and co-villagers, they have settled the matter amicably to maintain the harmonious relations and both the sides have no objection if the instant appeal is allowed.
5. In view of the above, the instant appeal is hereby allowed.

Consequently, the impugned judgment of conviction and order sentence dated 29.11.2003 is set aside as a result of which, the appellants No. 1, 2, 4 and 5, namely Onkar Singh, Pargat Singh, Satnam Singh and Dalbara Singh would stand acquitted of the charges under Sections 307, 323, 324, 148 read with Section 149 IPC whereas appeal against appellant No. 3-Chhina Singh (since expired) stands abated.

September 23, 2016

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No