

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

Crl.A.No.S-538-SB of 2009 (O&M)

Date of decision: 5.5.2016

Tirlochan Singh and others

..Appellants

Vs.

The State of Punjab

..Respondent

Crl.A.No.S-514-SB of 2009

Hardeep Singh @ Deepa

..Appellant

Vs.

State of Punjab

... Respondent

A N D

Crl.A.No.892-SB of 2009

Mohinder Singh and another

..Appellants.

Vs.

State of Punjab

..Respondent.

CORAM: HON'BLE MR. JUSTICE A.B.CHAUDHARI

Present: Mr.B.S.Sidhu, Advocate for the appellants.

**Mr.Harbhajan Singh, Advocate for the appellant in CRA
No.892-SB of 2009.**

**Dr.Anmol Rattan Sidhu, Sr.Advocate with
Mr.R.K.Chugh, Advocate for the appellant in CRA
No.514-SB of 2009.**

Mr.R.S.Randhawa, Addl.AG Punjab.

A.B.CHAUDHARI, J.(Oral)

Crl.M.No.32844 of 2015

Compromise deed dated 28.8.2015 for compounding the offence is taken on record.

CRM stands disposed of.

JUDGMENT

By this common order, three appeals bearing Nos.CRA No.S-538-SB, CRA No.S-514-SB and CRA No.S-892-SB of 2009 are being disposed of. However, the facts are being taken from CRA No.S-538-SB of 2009.

This appeal is directed against the judgment and order dated 30.1.2009 passed by Additional Sessions Judge (Ad hoc) Fast Track Court, Ludhiana by which appellants No.1 to 6 were convicted for the various offences namely, 307, 325, 324, 452, 148, 149 IPC and were sentenced accordingly for the sentence ranging from one year to 5 years (maximum).

During the pendency of this Criminal appeal, Crl.Misc.Application No.32844 of 2015 has been filed by the appellants-accused alongwith affidavit of Tirlochan Singh one of the accused which is accompanied by compromise deed (Annexure C-I) signed by complainant/injured persons so also the appellant-accused persons.

Counsel for the appellants has identified the signatures on this compromise deed at page 8 as that of complainant/injured persons as well as appellant-accused persons. Since the counsel

has identified all the signatures on the compromise deed, I accept statements made.

A perusal of the record shows that appellants had together assaulted the complainant and other injured persons by various weapons causing contused injuries. There is also an injury which caused fracture of three ribs. The incident had taken place on 16.7.2003 at about 6 p.m. The genesis of the prosecution case is that the appellants-accused persons used to park their bullock carts on the public street repeatedly; causing nuisance and annoyance to the complainant and injured persons who were objecting to their conduct.

I have perused the compromise deed (Annexure C-I) on which signatures had been identified by the counsel for the applicant-appellant Mr.B.S.Sidhu, Advocate.

Compromise deed shows that respectable persons from both the sides i.e. accused party and complainant party held a Panchayat and decided to settle the dispute amongst the complainant, appellant and injured persons amicably in order to achieve peace and harmony in the village. Similar is the statement in the application bearing No.CRM No.3284 of 2015 in para Nos.2 and 3.

Learned Addl.AG Punjab with reference to custody certificate dated 29.4.2016 issued by Deputy Superintendent, Central Jail, Ludhiana placed today on record, states that the accused persons have already undergone the sentence with remission ranging from 10 months to one year.

It is true that the offences committed by the appellants are indeed serious so also the injuries caused to the victims but the incident relates to the year 2003 and almost 13 years have already passed. The complainant-victims and the appellant-accused persons have now decided to enter into compromise for bringing peace.

Having examined the entire matter including the compromise proposal and the date of incident, the relationship or neighbourhood of both the parties and their intention to live peacefully henceforth with a further fact that the accused persons have already undergone sentence of 10 months to one year, I think the parameters laid down by the Apex Court in the case of ***Gian Singh Vs. State of Punjab RCR (Criminal) 543 (2012) (5)*** should be applied in this case. That being so, I make the following order.

Order

CRA No.S-538-SB, CRA No.S-514-SB and CRA No.S-892-SB of 2009 are disposed of by allowing CRM No.32844 of 2015 for compounding of the offences for which the appellants were convicted.

As a sequel, the impugned judgment and order of conviction & sentence is set aside by way of compounding. Bail bonds stand discharged.

5.5.2016
Meenu

(A.B.CHAUDHARI)
JUDGE