

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. Nos.14820 and 14821 of 2016 and
Criminal Appeal No.S-1511-SB of 2015 (O&M)

.....

Date of decision:4.8.2016

Harnek Singh and another

...Appellants

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. P.K. Ganga, Advocate for the appellants.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana for
the respondent-State.

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Inderjit Singh, J.

Cr. Misc. No.14820 of 2016:

The criminal miscellaneous application is allowed and the documents Annexures-A.1 to A.3 are taken on record subject to just all exceptions.

Cr. Misc. No.14821 of 2016:

This application has been filed under Section 482 Cr.P.C. read with Section 320(5) Cr.P.C., 1973 for leave to set aside the judgment and order dated 24.4.2015 arising of FIR No.80 dated 9.5.2013 registered under Sections 324, 325, 307, 506 read with Section 34 IPC at Police Station Kalawali, District Sirsa, and all subsequent proceedings arising therefrom on the basis of compromise (Annexure-A.2) arrived between the parties as the complainant and appellants are family members.

After the trial, the accused-appellants have been convicted and sentenced vide impugned judgment and order passed by learned Sessions Judge, Sirsa, vide which the accused/appellants have been convicted for the offences under Sections 307, 325, 324 and 506 read with Section 34 IPC. They have been sentenced to undergo rigorous imprisonment for five years each and to pay a fine of ₹10,000/- each and in default of payment of fine to further undergo rigorous imprisonment for six months each for the offence under Section 307 IPC. They have also been sentenced to undergo rigorous imprisonment for two years each and to pay a fine of ₹2,000/- each and in default of payment of fine to further undergo rigorous imprisonment for two months each for the offence under Section 325 IPC. They have also been sentenced to undergo rigorous imprisonment for one year each and to pay a fine of ₹1,000/- each and in default of payment of fine to further undergo rigorous imprisonment for one month each for the offence under Section 324 IPC. They have also been sentenced to undergo rigorous imprisonment for six months each and to pay a fine of ₹500/- each and in default of payment of fine to further undergo rigorous imprisonment for fifteen days each for the offence under Section 506 IPC. All the substantive sentences have been ordered to run concurrently. Aggrieved against the impugned judgment and order, the present appeal has been filed by the appellants.

During the pendency of appeal in this Court, this criminal misc. application has been filed by the applicants-appellants, wherein it has been mentioned that the parties have entered into a compromise, copy of which has been annexed as Annexure-A.2 with the application, which has been

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taken on record vide order passed today in Criminal Misc. No.14820 of 2016. As per the compromise, now there is no estrangement between the parties. This compromise is in favour of both the parties and no party is getting affected adversely by this compromise as they are family members.

Keeping in view the above, this criminal miscellaneous application is allowed and with the consent of parties, the appeal is taken up for hearing.

Cr. A.No.S-1511-SB of 2015:

At the time of arguments, learned counsel for the appellants has not pressed the conviction and only argued for reduction of the sentence keeping in view the compromise effected between the parties. Compromise deed has been placed on record as Annexure-A.2.

Learned Assistant Advocate General, Haryana, appearing for the respondent-State argued that Sarjan Singh has already undergone seven months and three days of actual sentence and has earned the remission of three months and 23 days till 27.8.2015, which means that he had already undergone more than one year of sentence including remission at the time of his suspension of sentence vide order dated 3.12.2015 passed by this Court. Learned State further argued that appellant-Harnek Singh had undergone one year, one month and 18 days of actual sentence and has earned remission of five months and 14 days at the time of his suspension of sentence vide order dated 22.12.2015 passed by this Court.

I have heard learned counsel for the appellants as well as learned State counsel on the quantum of sentence.

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In the present case, FIR was registered on 9.5.2013 and a period of more than three years has already passed. The dispute is between the family members, which has amicably been resolved vide the above compromise. The appellants have been sentenced to undergo sentence for maximum period of five years. All the sentences have been ordered to run concurrently and as argued by learned State counsel, appellants No.1 and 2 have already undergone sentence of more than one year out of five years respectively and at present their sentences have been suspended and they have been released on bail vide orders passed by this Court on 3.12.2015 and 22.12.2015 respectively. As argued, now compromise has also been entered into between the parties. The appellants have already undergone substantial period of sentence. There is nothing on the record that the appellants earlier committed any offence.

The appeal is partly allowed regarding the modification of the sentence and the sentence of the appellants is reduced to already undergone. The appellants are directed to pay the fine within one month. Since the sentence of the appellants have been suspended and they are on bail, their bail bonds/surety bonds stand discharged.

The criminal appeal is disposed of accordingly.

August 4, 2016.

(Inderjit Singh)
Judge

hsp

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