

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-493 MA-2012 (O&M) in/ and
CRA-AS-72-2016

Date of decision: 02.05.2016

Sarabjit Singh

.....Applicant/Appellant

versus

State of Punjab and others

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rajesh Kumar Girdhar, Advocate
for the applicant/appellant
Mr.Ashish Sanghi, DAG Punjab
Mr.G.S.Simble, Advocate for
Mr.P.S.Brar, Advocate for the respondent Nos.2 and 3

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest?

Kuldip Singh, J. (Oral)

CRM-A-493 MA-2012

This is an application for grant of leave to file appeal. In view of averments made in the application, leave to appeal is granted. Application stands allowed. Registry is directed to assign the number of the appeal.

CRA-AS-72-2016

Learned counsel for the appellant contends that the private respondent Nos.2 and 3, namely, Onkar Singh and Gurpal Singh along with Nirbhai Singh and Dr.Harnarain Singh were convicted by learned Chief Judicial Magistrate, Faridkot, under Section 420 IPC and sentenced to undergo Rigorous Imprisonment for 2 ½ years each and to pay a fine of Rs.3000/- each, in default

thereof, to further undergo Rigorous Imprisonment for three months. Onkar Singh and Gurpal Singh preferred an appeal before learned Sessions Judge, Faridkot. The matter was put up before Lok Adalat. In the Lok Adalat, statements of complainant Hardeep Singh Kainth as well as private respondents were recorded and on the basis of compromise and judgment of conviction was set aside.

The plea of Learned counsel for the appellant is that in this case several persons were cheated though the complaint was made only by Hardeep Singh Kainth but he had mentioned about the other persons also being cheated. Their names were also mentioned in the statement of the complainant. Before the trial Court, Sukhpal Singh Mann (PW4), Gurcharan Singh (PW6) and Sarabjit Singh (PW6) had also appeared to depose that they were also cheated. It is contended that the compromise is to be done with the victim who may or may not be the complainant. The legal position is not disputed. The said persons are also victims in this case. Therefore, mere compromise with the complainant is not sufficient to set aside the judgment of conviction on the basis of compromise.

Accordingly, the present appeal is allowed. The impugned order dated 2.3.2012, passed by the learned Sessions Judge, acting as Presiding Officer, Lok Adalat, Faridkot is set aside and the matter is remanded to the Court of learned Sessions Judge, Faridkot with a direction to hear the appeal and decide the same in accordance with law.

02.05.2016

gk

GOPAL KRISHAN
2016.05.03 16:30
I attest to the accuracy and
authenticity of this document
High Court Chandigarh

**(Kuldip Singh)
Judge**