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

**CRA-S-2091-SB-2003**

**Date of Decision : October 04<sup>th</sup>, 2016**

Gulzar Singh and others

.... Appellants

Versus

Jaimal Singh and another

.... Respondents

**CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present Mr. R.N.Moudgil, Advocate,  
for the appellants.

Mr. Yogesh Kumar Gupta, AAG, Punjab.

Mr. Jaimal Singh, complainant in person with  
Mr. Kewal Krishan, Advocate.

**SHEKHER DHAWAN, J.**

**CRM-28682-2016**

The prayer made in the application is for disposal of main appeal i.e. CRA-S-2091-SB-2003, on the basis of compromise arrived between the parties i.e., complainant party and convict-appellants.

Complainant Jaimal Singh is present in the Court and he has not disputed the facts detailed in the application. Learned counsel for the complainant also does not dispute the fact of compromise.

In view of the above, application for acceptance of compounding the offence is accepted because that shall be for advancement of justice so as to give an opportunity to the parties to live peacefully.

CM stands disposed of.

**CRA-S-2091-SB-2003**

Present appeal is directed against the judgment of conviction and

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order of sentence dated 13.10.2003 passed by learned Additional Sessions Judge (Adhoc), Fast Track Court, Gurdaspur whereby the appellants were convicted for the offences under Sections 147, 147 and 336 read with Section 149 IPC and were sentenced as under:-

| Appellants                                                                                                                                                                      | Under<br>Section                       | Sentence                                                                                              | In default                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 1. Harbinder Singh<br>2. Joginder Singh<br>son of Tehal Singh<br>3. Joginder Singh<br>son of Karam Singh<br>4. Gulzar Singh                                                     | 148 IPC                                | to undergo<br>Rigorous<br>Imprisonment for a<br>period of 2 years<br>and to pay a fine of<br>Rs.200/- | to further undergo<br>rigorous<br>imprisonment for a<br>period of one<br>month |
| 1. Santokh Singh<br>2. Gurmej Singh<br>3. Gurbax Singh<br>4. Lakhbir Singh<br>5. Gurdip Singh<br>6. Gurdial Singh                                                               | 147 IPC                                | to undergo<br>Rigorous<br>Imprisonment for a<br>period of 1 year<br>and to pay a fine of<br>Rs.200/-  | to further undergo<br>rigorous<br>imprisonment for a<br>period of 15 days      |
| 1. Harbinder Singh<br>2. Joginder Singh<br>son of Karam Singh                                                                                                                   | 336 IPC                                | to undergo<br>Rigorous<br>Imprisonment for a<br>period of 3 months                                    | -                                                                              |
| 1. Joginder Singh<br>son of Tehal Singh<br>2. Gulzar Singh<br>3. Lakhbir Singh<br>4. Gurdip Singh<br>5. Gurmej Singh<br>6. Gurbax Singh<br>7. Gurdial Singh<br>8. Santokh Singh | 336 read<br>with<br>Section 149<br>IPC | to undergo<br>Rigorous<br>Imprisonment for a<br>period of 2 months                                    |                                                                                |

(All the substantive sentences were ordered to run concurrently)

2. Relevant facts for the purpose of decision of this appeal; that on 22.12.1997 at about 10.30 pm, complainant Jaimal Singh was present in his house in village Veela Bajju along with Ajit Singh. At that time, appellant-accused Harvinder Singh armed with Rifle .315 bore, Joginder Singh Talwandi Bhinder armed with Rifle .12 bore, Gulzar Singh, Joginder Singh

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armed with '*Kirpan*', Santokh Singh, Gurmej Singh armed with '*Kahi*' (spade), Gurbax Singh, Lakhbir Singh, Gurdip Singh and Gurdial Singh armed with '*dangs*' forcibly entered the disputed plot and started digging foundations of the plot with intention to take possession of the same. On hearing the sound of digging, complainant Jaimal Singh and Ajit Singh came out and stopped the accused persons from doing so. On this scuffle took place between them and Harvinder Singh and Joginder Singh fired at the complainant Jaimal Singh and Ajit Singh with intention to kill them. Both the complainants ran inside their house and closed the door from inside and bullet shots hit on the iron door. The above accused persons started throwing brick bats on the house of the complainant and started abusing the complainant and his relatives. Later on accused persons fled away from the spot.

3. All the accused were charged for commission of offences under Sections 148, 149, 450 and 307 IPC to which they pleaded not guilty and claimed trial.

4. During trial, learned Court below completed various proceedings of trial including recording of statement of the prosecution witnesses and examination of accused under Section 313 Cr.P.C. After considering the prosecution and the defence evidence on record, learned trial Court held the appellants guilty and convicted them for commission of offence and sentenced them.

5. Aggrieved of passing of judgment of conviction and order of sentence, the appellants are before this Court by way of present appeal.

6. Learned counsel for the parties submitted that the parties have entered

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into a genuine compromise and they be given a chance to live peacefully. In this behalf a written compromise deed Annexure P-1 has been placed on record.

7. I have considered the submissions made by learned counsel for the parties and the fact that the dispute had taken place on a petty matter and thereafter both the parties have settled the dispute amicably and now they are living peacefully since long. In the present case complainant Jaimal Singh is present in the Court who is duly represented by his counsel who has verified the fact that a genuine compromise has been arrived at between the parties and that is being implemented as well. No purpose would be served by sending appellants behind bars again, rather an opportunity should be given to live them peacefully.

8. In view of the above order passed in CRM-28682-2016, present appeal is accepted and judgment of conviction and order of sentence dated 13.10.2003 stands set aside.

**(SHEKHER DHAWAN)**  
**JUDGE**

**October 04<sup>th</sup>, 2016**  
mohan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No