

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

**Crl. Appeal No. S-936-SB of 2015 (O&M)
Date of decision : 08.12.2016**

Bhinder Singh @ Bhinda

..... Appellant

versus

State of Punjab

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Harkaran Singh, Advocate
for the appellant.

Mr. Deep Singh, AAG, Punjab
for the respondent-State.

Mr. Shivender Pal Singh, Advocate
for the complainant.

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ANITA CHAUDHRY , J.
CRM-15457-2016

For the reasons set out in the application, same is allowed as prayed for and accompanying document (Annexure A-1) is allowed to be taken on record.

CRM-15458-2016
Crl. Appeal No. S-936-SB of 2015

Report from the Court below regarding compromise has already been received. Main appeal is taken up on Board for hearing today itself.

The trial of the appellant in case FIR No. 46 dated 17.07.2011, registered under Sections 120-B, 313, 323 read with Section 109 IPC, Police Station Kot Ise Khan, District Moga was culminated into his

conviction vide orders of conviction & sentence dated 05.02.2015, passed by the Additional Sessions Judge, Moga. The appellant was sentenced to undergo rigorous imprisonment for a period of three years along with fine of Rs.10,000/- for commission of offence under Section 313 IPC. In default of payment of fine, he was to further undergo rigorous imprisonment for a period of three months.

Aggrieved with the same, the appellant has preferred the instant appeal. During the pendency thereof, it is claimed that the parties have entered into compromise with the intervention of respectable persons. Compromise-deed (Annexure A-1), reiterating the factum of compromise, has been placed on record.

Report has been called from the Judicial Magistrate Ist Class, Moga, after statements of the parties were recorded regarding the compromise. Judicial Magistrate Ist Class, Moga has reported that the compromise is voluntary and without any pressure or coercion. He has also sent copy of statements of parties along with the report.

Learned counsel for the appellant has urged that now good sense had prevailed to the parties and they have decided to settle the dispute by entering into a compromise. Compromise deed Annexure A-1 has been filed wherein the factum of the parties having entered into compromise is reiterated. All the parties have appeared before the JMIC, Moga and have affirmed the compromise. It is prayed that in view of the compromise, the appellant may be acquitted.

Learned counsel appearing for the complainant states that the

complainant has no objection if the appellant is acquitted.

In the instant case, the parties have put an end to their grievance and have settled the dispute and attempt has been made to promote peace and harmony amongst themselves.

Since the parties have amicably settled their dispute, there is no legal impediment in granting permission to them to compound the offence. In view of the statements and report of the JMIC, Moga and the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, approved by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, the instant appeal is allowed. Consequently, the judgment of conviction and sentence passed by the Court below is set aside and the appellant is acquitted of the charges.

**(ANITA CHAUDHRY)
JUDGE**

08.12.2016

'Sunil Sehgal'

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.