

CRA-S-916-SB of 2003 (O&M) and
CRA-S-848-SB of 2003 and
Criminal Revision No. 61 of 2004

1

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

CRA-S-916-SB of 2003 (O&M)
DATE OF DECISION :- January 13, 2016

Chhinder Singh and others **...Appellants**

Versus

State of Punjab **...Respondent**

CRA-S-848-SB of 2003

Kharak Singh and another **...Appellants**

Versus

State of Punjab **...Respondent**

Criminal Revision No. 61 of 2004

Badal Singh **...Petitioner**

Versus

Gurjant Singh **...Respondent**

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

Present:- Mr. Rahul Sharma, Advocate
for Mr. Ashok Giri, Advocate for the appellants.

Mr. Maninder Singh Dhindsa, Advocate
for the complainant.

Mr. Premjit Singh Hundal, Addl. Advocate General,
Punjab.

1. Whether Reporters of local papers may be allowed to see the

CRA-S-916-SB of 2003 (O&M) and
CRA-S-848-SB of 2003 and
Criminal Revision No. 61 of 2004

2

- judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

M.JEYAPPAUL, J.

CRM 10054 of 2015

This is an application filed by Gurdeep Singh in CRA-S-916-SB of 2003 to declare him as a juvenile. Pursuant to the above application, a report was called from the Principal Magistrate, Juvenile Justice Board, Bhatinda. The report submitted by him disclosed that accused Gurdeep Singh, was born on 20.9.1981 and, therefore, he was a juvenile as on the date of occurrence that took place on 2.6.1998.

Heard the submissions made on either side.

There was no reason to take a different view from the one taken by the learned Principal Magistrate after conducting an enquiry as directed by us.. Therefore, it is declared that accused Gurdeep Singh was a Juvenile at the time when the occurrence took place on 2.6.1998.

The application is disposed of accordingly.

CRM No. 38754 of 2015

This is an application filed seeking permission to place on record compromise entered into between the parties as per Annexure A2 appended thereto.

CRA-S-916-SB of 2003 (O&M) and
CRA-S-848-SB of 2003 and
Criminal Revision No. 61 of 2004

3

Heard the submissions made on either side.

I also perused Annexure A2 compromise entered into between the accused party and the complainant party. It is found that both the parties in order to bury the hatchet which was long standing chose to compromise the matter and started living amicably.

In view thereof, permission is granted to place on record the above compromise found appended as Annexure A2.

The application is allowed.

CRA-S-916-SB of 2003
and CRA-S-848-SB of 2003

1. Accused Gurdeep Singh, Chhinder Singh and Taina Singh have preferred CRA-S-916-SB of 2003 and accused Kharak Singh and Badal Singh have preferred CRA-S-848-SB of 2003 aggrieved by the conviction and sentence passed by the trial Court under Sections 148, 323, 324, 325 and 307 IPC read with Section 149 IPC.
2. The accused party herein aggrieved by the acquittal recorded against the complainant party in the cross case launched by them, have preferred CRR No. 61 of 2004.
3. Heard the submissions on either side.
4. Annexure A2 filed in CRA-S-916-SB of 2003 discloses that both the parties have entered into a compromise and started living amicably. Of course, it is a well settled proposition of law that no acquittal under Section 307 IPC can be recorded even in a case where the matter was compromised between the parties. But the fact that the

parties have compromised the matter and started living peacefully can be taken into account while determining the quantum of sentence.

5. Coming to the factual matrix, it is found that accused Kharak Singh had caused a simple injury with a Kirpan on the forehead of complainant Gurjant Singh who was examined as PW3, Badal Singh had also caused simple injury with Kirpan on the head of PW3, Chhinder Singh attacked PW4 Mohinder Singh with a Dang on the left eye lid and left ear and caused an injury which was dangerous to life as per the medical testimony, Gurdeep Singh who was declared as a minor had caused Dang blow on the head of PW3 while accused Taina Singh attacked PW3 with Dang and caused an injury on his left arm.

6. Accused Gurdeep Singh who has been declared as a minor for giving a Dang blow on the head of PW3, has already undergone 6 months and 8 days of sentence. I am aware of the procedure to be followed as per Section 7A of the Juvenile Justice (Care and Protection of Children) Act, 2000, the moment the accused was declared as a juvenile. But inasmuch as juvenile Gurdeep Singh has already undergone 6 months and 8 days, in my considered view, no fruitful purpose will be served if he is forwarded in terms of the above provision of law to the Juvenile Justice Board for passing appropriate orders. The period of 6 months and 8 days spent by the juvenile Gurdeep Singh in jail in connection with this case is treated as a period he has spent in special home and the sentence imposed on him is

CRA-S-916-SB of 2003 (O&M) and
CRA-S-848-SB of 2003 and
Criminal Revision No. 61 of 2004

5

reduced to the period already undergone by him. Consequently, the bail bond executed by him shall stand discharged.

7. Accused Kharak Singh has undergone 10 months and 2 days, accused Badal Singh has undergone 10 months and 12 days, accused Chhinder Singh has undergone 1 year 10 months and 28 days and accused Taina Singh has undergone 6 months and 23 days. As the accused party and the complainant party have amicably settled the long pending dispute between them and have started living together, as reflected in Annexure A2 the above accused Kharak Singh, Badal Singh, Chhinder Singh and Taina Singh are sentenced to the above period already undergone by them in respect of the charges as proved against them. Consequently, the bail bonds executed by them shall stand discharged. In terms thereof, CRA-S-916-SB of 2003 and CRA-S-848-SB of 2003 stand disposed of.

CRR No. 61 of 2004

8. Complainant in the cross case who has preferred CRA-S-848-SB of 2003 submitted that the Criminal Revision may be dismissed as not pressed, in terms of the compromise Annexure A2 filed by both the parties in CRA-S-916-SB of 2003. Therefore, Criminal Revision No. 61 of 2004 stands dismissed as not pressed.

(M. JEYAPPAUL)
JUDGE

January 13, 2016

p.singh