

225 (2)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 9.5.2016

CRR-3518-2015 (O/M)

Paramjit Kaur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CRR-4227-2015 (O/M)

Shaukeen Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Gursimran Singh, Advocate, for the petitioners
in both the cases.

Mr. P.S. Paul, Deputy A.G. Punjab.

Mr. B.S. Jaswal, for respondents No. 2 and 3
in both the cases.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

By this judgment, I will dispose of CRR-3518-2015, titled as Paramjit Kaur and another Versus State of Punjab and others, and CRR-4227-2015, titled as Shaukeen Singh and others Versus State of Punjab and others, arising out of the judgment of conviction and order of sentence dated 3.4.2015. All the petitioners were

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convicted by the learned Additional Chief Judicial Magistrate, Amritsar, under Sections 326, 325, 323, 452 IPC and sentenced as under :-

Name of accused	Under Section	Sentence RI sentence	Fine (Rs.)	In default SI
Nishan Singh	326 IPC	3 years	1,000/-	15 days
Lakhwinder Singh	326/149 IPC	3 years	1,000/-	15 days
Paramjit Kaur	326/149 IPC	3 years	1,000/-	15 days
Shaukeen Singh	326/149 IPC	3 years	1,000/-	15 days
Jasmail Singh	326/149 IPC	3 years	1,000/-	15 days
Gurpreet Singh	326/149 IPC	3 years	1,000/-	15 days

Name of accused	Under Section	Sentence RI sentence	Fine (Rs.)	In default SI
Shaukeen Singh	325 IPC	2 years	1,000/-	15 days
Lakhwinder Singh	325/149 IPC	2 years	1,000/-	15 days
Paramjit Kaur	325/149 IPC	2 years	1,000/-	15 days
Jasmail Singh	325/149 IPC	2 years	1,000/-	15 days
Gurpreet Singh	325/149 IPC	2 years	1,000/-	15 days
Nishan Singh	325/149 IPC	2 years	1,000/-	15 days

Name of accused	Under Section	Sentence RI sentence	Fine (Rs.)	In default SI
Gurpreet Singh	323 IPC	6 months	--	--
Jasmail Singh	323 IPC	6 months	--	--
Paramjit Kaur	323 IPC	6 months	--	--
Lakhwinder Singh	323/149 IPC	6 months	--	--
Shaukeen Singh	323/149 IPC	6 months	--	--
Nishan Singh	323/149 IPC	6 months	--	--

Name of accused	Under Section	Sentence RI sentence	Fine (Rs.)	In default SI
Lakhwinder Singh	452 IPC	2 years	1,000/-	15 days
Paramjit Kaur	452 IPC	2 years	1,000/-	15 days
Shaukeen Singh	452 IPC	2 years	1,000/-	15 days
Jasmail Singh	452 IPC	2 years	1,000/-	15 days
Gurpreet Singh	452 IPC	2 years	1,000/-	15 days
Nishan Singh	452 IPC	2 years	1,000/-	15 days

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All the sentences were directed to run concurrently.

The appeal filed by the petitioners was dismissed by the learned Additional Sessions Judge, Amritsar, vide judgment dated 12.8.2015. Against the said judgment, the petitioners/convicts, namely, Paramjit Kaur and Lakhwinder Singh have filed CRR-3518-2015, whereas petitioners/convicts, namely, Shaukeen Singh, Jasmail Singh, Gurpreet Singh and Nishan Singh have filed CRR-4227-2015.

At the time of hearing, the learned counsel for the petitioners contends that the parties have compromised and that on account of compromise, lenient view should be taken.

The State was directed to verify the factum of the compromise. The State has submitted the reply by way of affidavit of Shri Vishaljit Singh, PPS, Deputy Superintendent of Police, Sub Division Majitha, District Amritsar (Rural) in Court today and the same is taken on record, in which it is stated that the parties have effected compromise and that the compromise is effected voluntarily and without any pressure. The custody certificates are filed in Court today and the same are taken on record. The perusal of the custody certificates shows that petitioners Paramjit Kaur and Lakhwinder Singh have undergone the actual sentence of 4 months and 4 days (as on 16.12.2015), whereas petitioners, namely, Shaukeen Singh, Jasmail Singh, Gurpreet Singh and Nishan Singh, have undergone

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the actual sentence of 7 months and 27 days (as on 7.5.2016).

Keeping in view the fact that the parties have compromised and have amicably settled their dispute, while maintaining the conviction of all the petitioners, the substantive sentence passed by the lower Court is modified and the same is reduced to the period already undergone by the petitioners. The sentence of fine is maintained. Since the petitioners, namely, Paramjit Kaur and Lakhwinder Singh (in CRR-3518-2015) have already been granted bail by a Coordinate Bench of this Court, vide order dated 10.12.2015, passed in CRM-30763-2015 in CRR-3518-2015, therefore, the petitioners, namely, Shaukeen Singh, Jasmail Singh, Gurpreet Singh and Nishan Singh be also released forthwith, if not required in any other case.

With the abovenoted modification, the present revision is dismissed.

(KULDIP SINGH)
JUDGE

9.5.2016
sjks