

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

CRR-3538-2015

Date of Decision: February 12, 2016

HARDEEP SINGH @ NIKKA ...PETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

2. CRR-3588-2015

HARDEEP SINGH @ DAINGAR ...PETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

3. CRR-3603-2015

DARA SINGH ...PETITIONER

Versus

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Nandan Jindal, Advocate,
for the petitioner (in CRR-3538-2015).

Mr. Harshit Jain, Advocate
for the petitioner (in CRR-3588-2015).

Mr. Kuldeep Joshi, Advocate for
Mr. J.S. Bhinder, Advocate,
for the petitioner (in CRR-3603-2015).

Mr. K.S. Pannu, DAG, Punjab.

NARESH KUMAR SANGHI, J.

The present petition shall dispose of CRR-3538-2015 (Hardeep Singh @ Nikka Vs. State of Punjab), CRR-3588-2015 (Hardeep Singh @ Daingar Vs. State of Punjab) and CRR-3603-2015 (Dara Singh Vs. State of Punjab), since all the three petitions have emanated from the judgment dated 31.08.2015, passed by learned Sessions Judge, Sangrur whereby the appeals filed by the petitioners challenging their conviction and sentence for the offences punishable under Sections 201 and 411, IPC, recorded by learned Sub-Divisional Judicial Magistrate, Sunam, District Sangrur was dismissed while acquitting the petitioners under Section 201 IPC and modification of their sentence for the offences punishable under Section 411 IPC.

When the above captioned revision petitions came up for hearing before this Court, it was submitted that the aggrieved persons had resolved their dispute and effected a compromise with the petitioners and as such the effected parties were directed to appear before learned Trial Court, Sunam to get recorded their statements with regard to compromise. The said Court was also directed to send its report in that regard.

In compliance with the above Darshan Singh- Informant and Rajneesh Kumar-owner of the shop from where the mobiles etc. were stolen did appear before the Court below and suffered the statements admitting the factum of compromise. The

report received from the learned Sub-Divisional Judicial Magistrate, Sangrur would also reveal that the compromise so effected was without any pressure and coercion. It further revealed that the aggrieved persons had no objection if the petitioners/accused were acquitted of the charges framed against them.

Learned counsel for the petitioners submit that out of the maximum awarded sentence of rigorous imprisonment of 2 years under Section 411 IPC, Hardeep Singh @ Daingar has suffered an incarceration for approximately 8 months while Dara Singh and Hardeep Singh @ Nikka have individually suffered the incarceration for approximately 4 months. They further submit that petitioners are neither required nor involved in any other case of theft or extortion etc.

Learned counsel for the State has not controverted the above fact.

In view of the totality of the facts and circumstances of the present case and taking into consideration that the aggrieved person have sorted out their dispute and effected a compromise with the petitioners, the substantive sentence of the petitioners, for the offence punishable under Section 411, IPC, is reduced to the period already undergone by each one of them. The fine imposed by learned trial Court and affirmed by the learned Appellate Court shall remain undisturbed.

With the above modification in the order of sentence,
the present revision petitions are disposed of.

Ordered accordingly.

(NARESH KUMAR SANGHI)
JUDGE

February 12, 2016
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