

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

DATE OF DECISION: 06.04.2017.

1. CRA-S-1470-SB of 2004

Sham Lal and others **....Appellants.**

Versus

State of Haryana **...Respondent.**

AND

2. CRA-S-1497-SB of 2004

Ved Parkash and others **....Appellants.**

Versus

State of Haryana **...Respondent.**

AND

3. CRR-1485 of 2005

Ved Parkash and others **....Petitioners.**

Versus

State of Haryana and others **...Respondents.**

CORAM: HON'BLE MR. JUSTICE (DR.) SHEKHER DHAWAN

Present: Mr. R.S. Mamli, Advocate for the appellants.

Mr. Vivek Saini, Deputy Advocate General, Haryana.

Ms. Minakshi Poswal, Advocate for the complainant.

SHEKHER DHAWAN, J.

CRA-S-1470 & 1497-SB of 2004 appeals are directed against
the judgment of conviction dated 19.07.2004 and order of sentence dated

21.07.2004 passed by learned Additional Sessions Judge, Fast Track Court, Ambala, whereby the appellants were convicted and sentenced as under:-

Name	Under Section	Sentence	In default
1. Ved Parkash son of Bachna Ram	Section 148 of Indian Penal Code (for short, "I.P.C.")	to undergo Rigorous Imprisonment for six months each and to pay of fine of ₹200/- each.	To further undergo RI for seven days each.
2. Charna			
3. Amar Singh	Section 323 read with Section 149 I.P.C.	to undergo Rigorous Imprisonment for six months and to pay of fine of ₹200/- each.	To further undergo RI for seven days each.
4. Ram Kumar			
5. Gurdial			
6. Ved Parkash alias Veda son of Narata Ram			
7. Sham Lal			
	Section 324 read with Section 149 I.P.C.	to undergo Rigorous Imprisonment for two years and to pay of fine of ₹250/- each.	To further undergo RI for fifteen days each.
	Section 325 read with Section 149 I.P.C.	to undergo Rigorous Imprisonment for two years and to pay of fine of ₹250/- each.	To further undergo RI for fifteen days each.
	Section 307 read with Section 149 I.P.C.	to undergo Rigorous Imprisonment for four years and to pay of fine of ₹500/- each.	To further undergo RI for one month each.

CRR-1485 of 2005 has been preferred by Ved Parkash son of Narata and Gurdial whereby respondents No.2 to 12 were acquitted of the charge under Sections 323, 324, 326, 148 and 149 IPC in a cross case arising out the FIR No.103 dated 09.06.1998 under Section 148, 149, 323, 324, 325, 326 and 307 IPC registered at Police Station Mahesh Nagar. Since both the appeals and the revision arise out of same incident, therefore, the same are being disposed of by this common judgment.

Relevant facts for the purpose of decision of these appeals; that on 08.06.1998 appellant Amar Singh, armed with Gandasi caused injuries to complainant Hari Ram on his head and right hand near the wrist and

appellants-accused Charna Ram, Gurdial, Sham Lal, Jai Pal, Ram Kumar, Veda son of Narata Ram and Veda son of Bachna Ram, fell upon the father of the complainant, Kamla Devi and Charno Devi and that attracted Section 307 I.P.C. Injured were medico legally examined.

After completion of investigation proceedings, challan was presented in the Court for trial.

During trial, learned Court below completed various proceedings of trial including framing of charge against the accused, recording of evidence of the witnesses and examination of accused under Section 313 Cr.P.C. After considering the prosecution and the defence evidence on record, the trial Court held the appellants guilty and convicted them for commission of offence under Section 148, 307, 323, 324, 325 read with Section 149 of IPC on 19.07.2004 and sentenced them on 21.07.2004.

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

At the time of arguments, learned counsel for the appellants as well as learned counsel representing the complainant/injured contended that parties have entered into a compromise with the intervention of the Panchayat and they are ready to make the statement to this effect. Accordingly, the matter was referred back to the learned trial Judge to record the statements of both the parties. In compliance of said order, District and Sessions Judge, Ambala forwarded the report prepared by Judicial Magistrate Ist Class, Ambala, who after recording the statements of the parties reported that both the parties have entered into a compromise without any threat and coercion and the compromise would bring peace and

harmony between the parties. On perusal of the report as well as statements, of the parties, this Court is satisfied that the parties have entered into compromise and have buried their hatchet, though at a penultimate stage i.e. at appellate stage. It would certainly create harmonious relationship in between the parties and would result into removal of bitterness or ill-will existing between the parties since long. This has been so held by Hon'ble Apex Court in *Ishwar Singh vs. State of Madhya Pradesh*, 2009(1) R.C.R. (Criminal) 1.

In view of the above, this Court is of the considered view that the appellants have already undergone substantial period of sentence while remaining in custody during investigation and trial. As the matter has been compromised, so the substantive sentence awarded to the appellants is reduced from four years to the period already undergone by them.

Present appeals stand partly accepted, in the above terms.

In the given facts and circumstances, Criminal Revision No.1485 of 2005 filed by Ved Parkash son of Narata and Gurdial against order dated 19.07.2004 passed by learned Additional Sessions Judge, Fast Track Court, Ambala, acquitting respondents No.2 to 12 is also disposed of.

(SHEKHER DHAWAN)
JUDGE

06.04.2017.
komal

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No