

CRA-S-10-SB of 2005 (O&M)

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

CRA-S-10-SB of 2005 (O&M)
Date of decision: 27.10.2017

Vijay Kumar

....Appellant

Versus

The State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. B.S. Saroha, Advocate, for the appellant.
Mr. Vikas Chopra, DAG, Haryana.
Ms. Shallie Mahajan, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

On the oral request of learned counsel for the parties, main appeal, which is on the regular board of this Court, is taken up for final disposal in view of compromise between the parties.

During the pendency of the instant appeal, appellant moved applications under Section 482 Cr.P.C. seeking permission of the Court to compromise the matter and on the basis of compromise for quashing the impugned judgment of conviction dated 07.12.2004 and order of sentence dated 08.12.2004 passed by learned Additional Sessions Judge, Fatehabad, holding him guilty under Section 307 IPC and Section 27 of the Arms Act and sentencing him to undergo rigorous imprisonment for three years along with fine of ₹ 4,000/- under Section 307 IPC, in default of payment of fine to undergo rigorous imprisonment for six months. He was also sentenced to

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Arms Act along with fine of ₹ 1,000/-, in default of payment of fine to further undergo rigorous imprisonment for 1½ months. All the sentences were ordered to run concurrently.

Consequently, the parties were directed to appear before the trial Court to get their statements recorded qua compromise and the trial Court was directed to report as to whether the compromise between the parties was genuine, without any pressure or undue influence. In response thereto, learned Additional Sessions Judge-II, Fatehabad, has submitted his report vide letter dated 945 dated 12.10.2017 duly forwarded by learned District and Sessions Judge, Fatehabad, vide letter No.8676 dated 13.10.2017.

According to the report, the Additional Sessions Judge is satisfied that compromise entered into between the parties is genuine and there was no pressure or coercion in any manner.

Learned counsel for the appellant contends that offence under Section 307 IPC is not made out in this case as it is a no injury case. The shot was allegedly fired in the air, which did not hit anyone. The appellant/accused and the complainant are the cousins and living in the same town.

Considering the overall facts and circumstances of the case and the fact that appellant has faced the protracted trial for more than 15 years, this Court is of the view that no useful purpose will be served by sending appellant, who is stated to be on bail, behind the bars any further. More so, the compromise entered in between the parties, who are closely related to each other, would bring harmony in their relations. Accordingly, the impugned judgment of conviction dated 07.12.2004 qua conviction of the

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appellant is upheld. Consequently, the appeal of the appellant to this extent is hereby dismissed. However, in view of the above discussion, the order of sentence dated 08.12.2004 is modified to the extent that the sentence awarded to the appellant is reduced to the period already undergone.

With the observations made above, the present appeal is disposed of.

October 27, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No