

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRM-40021 of 2016 in/and
CRA-S-582-SB of 2012
Decided on : 17.11.2017

Paramjit Singh and another

... Petitioners

Versus

State of Haryana

.. Respondents

CORAM : HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present:- Mr.Matinder Brar, Advocate
for the applicant-appellants.
Mr.Naveen Sheoran, DAG, Haryana.

Arvind Singh Sangwan, J. (Oral)

Prayer in the application (CRM-40021 of 2016) is for placing on record the compromise dated 15.11.2014 (Annexure A-1). On the basis of compromise, the matter was referred to the Mediation and Conciliation Centre of this Court after impleading the complainant and injured as respondents No.2 and 3.

Brief facts of the case are that both the appellants, namely Paramjit Singh and Subeg Singh faced trial in FIR No.199 dated 7.11.2009 under Sections 323, 324, 307, 506 and 34, IPC at Police Station Rania, District Sirsa. As per the allegations in the FIR, on 6.11.2009, Ranvir Singh, complainant was present in his fields and his cousin Krishan was also present there. The accused Paramjit Singh, Subeg Singh and one Hardeep Singh inflicted injuries to them and on raising voices, they were saved by the co-villagers. On submission of challan, the case was committed to the court of sessions and charges under Section 307, 324, 506 and 34 IPC were framed.

Since the complainant and eye witness duly supported the

prosecution version which was corroborated by medical version i.e. statement of the doctor, MLR and X-ray report, the trial court held the appellants guilty and convicted them for the offences punishable under Sections 307, 324, 506 and read with Section 34 IPC and sentenced them to undergo RI for 07 years with a fine of Rs.5000/- each vide impugned judgment dated 11.1.2012. The present appeal is filed challenging the said judgment and was admitted on 9.2.2017.

Vide order dated 20.11.2013, sentence of appellant No.2 Subeg Singh was suspended and vide order dated 10.3.2014, sentence of appellant No.1, Paramjit Singh was suspended. Thereafter, the parties entered into a compromise and the matter was referred to Mediation and Conciliation Centre of this Court as noticed above.

The report of the Mediator dated 20.09.2017 has been received and as per this report, it is submitted that the parties have entered into a valid and legal compromise and the complainant/injured witness has stated that a partition suit filed by the appellant No.1, Paramjit Singh has already been withdrawn and he has undertaken not to file any suit in future as he has already sold his share to Salochana Devi who is mother of the injured eye witness, Krishan. It is further reported that a complaint filed by Paramjit Singh, appellant No.1 under Sections 420, 467, 468, 471 and 120 IPC against Salochana Devi etc. was dismissed on 22.8.2016. The appellant Paramjit Singh has undertaken not to file further appeal or revision against this order. It is thus stated that the bone of contention between the parties was a part of land which has already been sold by Paramjit Singh to respondent, Gurcharan.

The parties have decided to live in peace and not file any case against each

other.

Learned counsel for the appellants has relied upon 2013(4) RCR (Criminal) 102, Sube Singh and another Vs. State of Haryana and another, wherein a Division Bench of this Court has held that where a dispute has been settled between the parties during pendency of appeal filed against order of conviction, High Court can quash the criminal proceedings at any stage to secure the end of justice. Similar view has been taken in 2015(2) RCR (Criminal) 617, Bakhtawar Singh and others Vs. State of Haryana, wherein this Court has reduced the sentence to already undergone in view of the compromise arrived during pendency of appeal filed against a judgment vide which the appellants were convicted under Section 307 IPC.

Since the learned counsel for the appellants has not challenged the judgment of conviction and restricted his argument limited to the extent of reduction of the sentence imposed upon the appellants, in view of the compromise between the parties, it is ordered that sentence undergone by appellant No.1, Paramjit Singh i.e. 02 years 1 month and 27 days and appellant No.2 Subeg Singh i.e. 2 years 8 months and 13 days out of the substantive sentence of RI of 7 years with fine of Rs.5000/- each awarded by the trial court is reduced to the sentence already undergone by the appellants while upholding their conviction.

With the above-said modification, this appeal is disposed of.

[Arvind Singh Sangwan]
Judge

17.11.2017

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Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No