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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S No. 3703-SB of 2016 (O&M)
Date of Decision: 11.10.2017

Gurmit Singh and others

..... Appellants

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vipin Mahajan, Advocate,
for the appellants.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab,
for respondent No. 1.

Mr. Tarunvir Singh Lehal, Advocate,
for respondents No. 2 to 5.

SUDIP AHLUWALIA, J. (ORAL)

CRM No. 12591 of 2017:

Prayer in this application is for fixing the appeal at an early actual date and for its disposal on the basis of compromise arrived at between the parties.

On joint request of Ld. Counsel for the parties, the hearing of the main appeal is preponed to today.

Application stands disposed off.

CRA-S No. 3703-SB of 2016:

In this petition, the appellants, who are accused in F.I.R. No. 23, dated 09.03.2012, under Sections 308, 324, 323, 452, 427, 148 and 149 of the Indian Penal Code, registered at Police Station Kalanaur, have prayed for setting aside the judgment of conviction passed by the Court below.

[2]. The appellants were convicted of the offences under Sections 324, 323, 452, 427, 148 and 149 of the Indian Penal Code and were sentenced accordingly. All the sentences were ordered to run concurrently. The present appeal has been filed, since the parties concerned have arrived at a settlement. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Judicial Magistrate Ist Class, Gurdaspur, vide report dated 18.07.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondents No. 2 to 5 are represented by their counsel.

[4]. In view of the report of the Judicial Magistrate Ist Class, Gurdaspur, and in view of the decision of the Hon'ble Supreme Court in **“Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543** and **“Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466**, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the appellants/accused persons.

[5]. In the circumstances and in view of the decisions of the Supreme Court in “Gulab Das Vs. State of M.P.”, 2012 (1) R.C.R. (Criminal) 220 and “Mukesh Kumar Vs. State of Rajasthan”, 2013 (11) S.C.C. 511, while sustaining conviction of the appellants for the offence under Sections 324, 323, 452, 427, 148 and 149 of the Indian Penal Code, the matter is disposed off with a direction that no further sentence needs to be suffered by them nor any fine needs to be paid, apart from the sentence already undergone by them.

11.10.2017

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No