

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

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1. Criminal Revision No.1518 of 2003
Date of Decision: January 27th, 2017
Yashpal ...Petitioner
Versus
State of Punjab and others ...Respondents
2. Criminal Revision No.1553 of 2003
Jagan Nath and another ...Petitioner
Versus
State of Punjab and others ...Respondents
3. CRM-M No.55064 of 2007
Jaspal and others ...Petitioners
Versus
State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kanwaljit Singh, Senior Advocate
with Mr. Ajaivir Singh, Advocate
for the petitioner(s).

Ms. Adit Girdhar, Advocate/*Amicus Curiae*.

Mr. Surjeet Singh Chaudhary, Deputy Advocate General,
Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of
Criminal Revision No.1518 of 2003 titled as *Yash Pal Versus
State of Punjab and others*, *Criminal Revision No.1553 of 2003* titled as
Jagan Nath and another Versus State of Punjab others and
Criminal Miscellaneous No.M-55064 of 2007 titled as *Jaspal and others
Versus State of Punjab and others*.

2. Briefly the facts involved in the present case are that an FIR was registered on 08.12.1998 at Police Station Balachaur under Sections 419 and 420 of the Indian Penal Code. After completion of investigation, challan was presented against the petitioners in the revision petition. A trial was held and all three revision petitioners were convicted and sentenced by the Sub Divisional Judicial Magistrate, Balachaur, on 05.11.2001, Yashpal under Sections 419, 420, 465, 468 IPC for three years and under Section 471 for two years, Jagan Nath under Sections 419, 420, 468 read with Section 34 IPC for three years and under Sections 465 and 471 read with Section 34 IPC for two years and Bihari Lal under Sections 419, 420, 468 read with Section 34 IPC for three years and under Sections 465 and 471 read with Section 34 IPC for two years. In the appeal preferred by the petitioners, the judgment passed by learned trial Court was upheld and the appeal was dismissed. It is against the dismissal of their appeal on 14.07.2003 that the present revision petitions have been preferred.

3. It would not be out of way to mention here that during the pendency of the revision petitions and while the civil suit which was preferred by the complainant was pending that a compromise has been entered into between the parties on 08.11.2007 and on the basis of the said compromise, Criminal Miscellaneous No.M-55064 of 2007 has been preferred for quashing of the FIR, wherein the compromise has been placed on record. During the pendency of the Criminal Miscellaneous petition on 22.07.2016, Head Constable Lakhwinder Singh, Police Station Balachaur, had appeared in Court and on his instructions, the State counsel submitted

that the parties have compromised the matter. On 03.11.2016, complainant-Mangal Singh along with Bahdur Singh as well as Jaspal had appeared in person and reiterated that a compromise has been entered into and the counsel for the petitioner had sought time to file a fresh affidavit relating to the compromise arrived at between the parties. Criminal Miscellaneous No.36405 of 2016 was preferred under Section 482 of the Code of Criminal Procedure for placing on record the affidavit of Mangal Singh and Bahadur Singh-complainant reiterating the fact that a compromise has been entered into between the parties which application was allowed on 23.11.2016 by this Court. On the basis of the said compromise, counsel for the petitioners prays for allowing the revision petitions and for quashing of the FIR registered against the petitioners.

4. Having heard the counsel for the parties and on going through the evidence produced on record as well as the findings recorded by the Courts below, this Court finds that the accused have committed the offences punishable under Sections 419, 420, 465, 468, 471 IPC read with Section 34 IPC as has been held by both the Courts below, so the conviction of all the accused-petitioners, as passed by the Courts below is upheld and criminal revisions filed by the accused-petitioners are dismissed qua conviction part.

So far as the sentence awarded to the accused-petitioners by the Courts below is concerned, keeping in view the various orders which have been referred to above and passed by this Court as also that a compromise has been entered into between the parties on a matter which is primarily

civil in nature where on the basis of the said compromise, the civil suit which has been preferred by the complainant, stands withdrawn and the dispute having been resolved amicably which fact is reiterated today also and confirmed by the counsel for the State on instructions from ASI Harjinder Singh, Police Station Balachaur, District Shaheed Bhagat Singh Nagar, present in Court and also the fact that the accused have suffered the agony of protracted criminal proceedings spreading over a long period of 18 years, it is ordered that the petitioners be released on probation of good conduct under Section 4 of the Probation of Offenders Act provided that they enter into bonds in the sum of ₹10,000/- for a period of six months to the satisfaction of Chief Judicial Magistrate, Hoshiarpur, within a period of 45 days from today, failing which both the Criminal Revisions preferred by the petitioners shall be deemed to have been dismissed as a whole. They shall receive the sentence if and when called by the Court during the said period and shall maintain the peace and be of good behaviour in the meantime.

5. In the light of the above, CRM No.M-55064 of 2007 also stands disposed of.

January 27th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No