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

**1. CRR No.4950 of 2015 (O&M)
Decided on : July 19, 2017**

RAM SINGH

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

2. CRR No.4927 of 2015 (O&M)

RAJBIR SINGH

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

3. CRR No.4935 of 2015 (O&M)

MAHENDER SINGH

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

4. CRR No.4855 of 2015

RAVINDER @ BILLU AND ANOTHER

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

**Present: Mr. D.K. Tuteja, Advocate and
Mr. Dishant D. Tuteja, Advcate
for the petitioner in CRR No.4950 of 2015.**

Mr. Sonpreet S. Brar, Advocate
for the petitioner(s)
in CRR Nos.4927, 4935 and 4855 of 2015.

Mr. Vikas Chopra, DAG, Haryana.

Mr. Ramesh Hooda, Advocate
for the complainant.

RAMENDRA JAIN, J (ORAL)

This judgment shall dispose of above titled four revision petitions, assailing the judgment dated 04.12.2015, passed by First Appellate Court, affirming the judgment of conviction dated 12.02.2015 and order of sentence dated 18.02.2015 passed by the trial Court against the petitioners in case FIR No.446 dated 21.08.2001 under Sections 420, 467, 468, 471 and 120B IPC registered at Police Station Civil Lines, Rohtak while dismissing the appeals of the petitioners.

Briefly stated, complainant-Bhartu got lodged the aforesaid FIR on the allegations that the accused persons namely Rajbir Singh, Ravinder @ Billu, Jagat Singh, Ram Singh and Mahender Singh, in conspiracy with each other, obtained thumb impression of the complainant and other persons namely Ram Kishan, Risala and Ram Chander, residents of Sukhpura, Rohtak on some blank papers and converted the same into a forged General Attorney, which was later on used to sell the property of the complainant.

After due trial, the petitioners were convicted under the aforesaid sections by the trial Court vide judgment of conviction dated 12.12.2015.

Being aggrieved, the petitioner challenged the said judgment of conviction before the First Appellate Court. Simultaneously, the

petitioners also approached this Court by way of CRM No.21737 of 2015 to quash the FIR. In between, a compromise was arrived at between the petitioners and the complainant party and the same was brought to the notice of this Court.

Pursuant thereto, this Court, vide order dated 09.07.2015, directed the parties, to appear before the First Appellate Court and to get their statements recorded qua the compromise with a direction to the learned Additional Sessions Judge, Rohtak to send his report as to whether the compromise was genuine. In compliance thereof, the petitioners and the complainant got their statements recorded before the First Appellate Court on 04.08.2015. The First Appellate Court vide its report No.179 dated 11.08.2015 (Annexure A-2) to this Court verified that the statements of the complainant and the accused were made by them voluntarily and without any pressure. The compromise in question is genuine.

The grouse of the petitioners in the instant petition is that the First Appellate Court without considering the compromise between the parties illegally dismissed their appeals.

The petitioners have been convicted under Sections 420, 467, 468, 471 and 120-B IPC for a maximum period of seven years. Offence under sections 467, 468 and 471 IPC are not compoundable. Therefore, the prayer of the petitioners qua their acquittal by compounding the offence cannot be accepted. However, the Hon'ble Apex Court has laid down certain guidelines, in case '**Narinder Singh and another versus State of Punjab and another**', 2014(2) RCR (Cri.) 482, that where some compromise has been arrived at between the accused party and the complainant and there can be no quashing regarding non compoundable

offences even on the basis of compromise after conviction by the Courts, in that case at the best, the party is entitled to the relief of reduction in sentence etc. being a mitigating circumstance.

As per custody certificates produced on the record by the Id. State counsel, petitioner Jagtar Singh has actually undergone 4 months 27 days, including remission of 1 month 19 days; petitioner-Ravinder @ Billu has undergone 5 months 8 days, including remission of 1 month and 19 days; Mahender Singh has undergone total sentence of 2 months 29 days including remission of 4 days; petitioner-Ram Singh has undergone 3 months including remission of 4 days and Rajbir Singh has undergone 4 months 29 days including remission of 1 month 19 days.

Considering overall facts and circumstances of the case, and the fact that there are concurrent findings of both the Courts below regarding conviction of the petitioners, the impugned judgment of conviction of the petitioners dated 12.02.2015 passed by the trial Court and judgment dated 04.12.2015 passed by the first Appellate Court to the extent of affirming the judgment of the trial Court are hereby affirmed.

However, since the petitioners and the complainant have compromised the matter with each other and their compromise would bring harmony in their relations, the impugned order of sentence dated 18.02.2015 passed by the trial Court, dated 04.12.2015 of the first Appellate Court in view of the aforesaid dictum laid down by the Hon'ble Apex Court in **'Narinder Kumar and another'** (supra) hereby modified to the effect that punishment awarded to the petitioners is reduced to the period already undergone by them. However, the payment of fine is converted to the cost of proceedings, which shall be deposited by the

petitioners, if not already paid within 15 days before the trial Court, from today, failing which all these four petitions shall be deemed to have been dismissed for all intents and purposes and the petitioners would undergo the entire sentence awarded to them by the trial Court.

Disposed of accordingly.

A photocopy of this order be placed on the file of other connected cases.

July 19, 2017

rajneesh

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No