

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

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**CRR-4511-2016 (O&M)
Date of Decision: 16.08.2017.**

Harjinder Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sumeet Puri, Advocate for the petitioner.
Ms. Bhavna Gupta, Deputy Advocate General, Punjab.
Mr. R.S. Gill, Advocate for the complainant.

Ramendra Jain, J.(Oral)

CRM-23135-2017

Through this application under Section 320 of the Code of Criminal Procedure (for short, 'Cr.P.C.'), prayer has been made for allowing the parties to compound the offence on the basis of compromise dated 12.05.2017-Annexure A2 (wrongly typed as Annexure-P2 in the compromise). Original Annexure-A2 is taken on record.

In the instant case, the petitioner was convicted by learned Sub Divisional Judicial Magistrate, Sunam on 09.09.2014 for the offence under Sections 323, 325 and 341 of the Indian Penal Code (for short, 'IPC'), against which the petitioner preferred an appeal. The same was dismissed by learned Sessions Judge, Sangrur on 14.09.2016.

During pendency of the instant revision petition, injured Sukhjot Singh expired on 20.01.2011 as per his death certificate-Annexure A1. Complainant Jarnail Singh, father of injured Sukhjot Singh has compromised the matter on the basis of written compromise dated 12.05.2017 (Annexure-A2) which is permissible under sub clause 4(b) of

Heard.

Learned counsel for the complainant has no objection in allowing the application.

The offence under Sections 323 and 324 IPC are compoundable without permission of the Court. Therefore, there is no necessity to grant any permission to the petitioner to compound aforesaid offence. However, considering the fact that the compromise between the parties shall bring harmony in relation in between the complainant and the petitioner, permission is accorded to the parties to compound the offence under Section 325 IPC.

Application is disposed of accordingly.

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On 06.12.2016, learned counsel for the petitioner by making a statement did not press the impugned judgment of conviction on merit, therefore, the impugned judgment of conviction dated 09.09.2014 passed by learned Sub Divisional Judicial Magistrate, Sangrur and the judgment dated 14.09.2016 passed by learned Sessions Judge, Sangrur are affirmed, qua the petitioner only are affirmed. In view of the above, the order of sentence passed against the petitioner is modified/ reduced to the period already undergone by the petitioner. The petitioner be released forthwith, if not required in custody in any other case.

Petition is disposed of accordingly.

(RAMENDRA JAIN)
JUDGE

16.08.2017
jitender sharma

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No