

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRR No.1233 of 2017 (O&M)

Date of Decision: 01.05.2017

Kulwinder Singh

--Petitioner

Versus

State of Punjab & another

--Respondents

2. CRR No.1317 of 2017 (O&M)

Baljit Singh & another

--Petitioners

Versus

State of Punjab and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Navkiran Singh and Mr.Navratan Singh
Advocates for the petitioners.

Mr. Varun Sharma, A.A.G., Punjab.

Mr. Pushpinder Kaushal, Advocate for the complainant.

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CRR No.1233 of 2017 (Kulwinder Singh Vs. State of Punjab) and CRR No.1317 of 2017 (Baljit Singh & another Vs. State of Punjab & another) are being taken up together for disposal as both these revision petitions arise from the judgement dated 18.3.2017, passed by the learned Additional Sessions Judge, S.A.S. Nagar, Mohali and in terms of which the conviction of the petitioners in these two revision petitions under sections 406 I.P.C and 120-B I.P.C recorded by the Trial Court, has been affirmed.

Brief facts that may be noticed are that the process of law was set in motion on the statement of Amanpreet Singh, who was a student of Panjab University, Chandigarh and who alleged that he had been duped of a sum of Rs.10 lacs by the accused party i.e. Palwinder Singh, Baljit Singh, Raghbir Singh and Yadvender Singh on the pretext of giving handsome returns. Upon completion of investigation and after submission of challan,

charges were framed against the afore-noticed accused for offence under sections 406, 420 and section 120-B I.P.C. Trial Court recorded a judgement of conviction dated 30.1.2015 holding each one of the accused guilty for offence punishable under sections 406 and 120-B I.P.C and sentenced to undergo RI for 3 years in each offence and to pay compensation to the tune of Rs.10 lacs in total (each Rs.2.5 lacs) to the complainant. The accused were, however, acquitted of the charge framed under section 420 I.P.C. The sentences were directed to run concurrently.

Four appeals arose out of the judgement of conviction and all four have been decided vide common judgement dated 18.3.2017, passed by the learned Additional Sessions Judge, S.A.S. Nagar, Mohali affirming the judgement of conviction and order of sentence.

Against the judgement dated 18.3.2017, passed by the Appellate Court the present two revision petitions have arisen i.e. CRR No.1233 of 2017 having been filed by Kulwinder Singh and CRR No.1317 of 2017 preferred by Baljit Singh and Raghbir Singh.

During the pendency of these two revision petitions, an application has been moved for compounding of the offence under sections 406, 120-B I.P.C on the ground that a compromise dated 3.4.2017 has been effected by the petitioners in these two revision petitions with the complainant i.e. Amanpreet Singh. The compromise deed dated 3.4.2017 was also placed on record at Annexure A-1.

The complainant Amanpreet Singh was also permitted to be impleaded as party/respondent no.2 in both these revision petitions and he was duly served.

Complainant is represented through Mr. Pushpinder Kaushal, Advocate.

Counsel for the parties are *ad idem* that a compromise has been arrived at between the three petitioners in these two connected petitions i.e. Kulwinder Singh, Baljit Singh and Raghbir Singh as also the complainant namely Amanpreet Singh for a sum of Rs.24 lacs. Such amount is stated to have already been made over to the complainant party vide demand draft no.377597 drawn on IndusInd Bank. Court has further been informed that the forth accused/convict namely Yadvinder Singh Buttar has absented himself from the trial proceedings and in any case the present compromise is not qua him.

Counsel appearing for the respondent/complainant Amanpreet Singh has no objection with regard to the prayer made on behalf of the three petitioners in these two connected petitions as regards compounding of the offence and states that a compromise has been effected between the parties and the same stands implemented in full.

The Hon'ble Supreme Court in **Mathura Singh and others Vs. State of U.P., 2009(2) R.C.R (Criminal), 859** was seized of a case, where the accused was convicted under sections 323 and 324 I.P.C. Conviction had been upheld by the High Court. The parties were related to each other and entered into a compromise before the Hon'ble Apex Court. The Hon'ble Supreme Court had allowed the compounding of the offence and had set aside the conviction.

Applying the dictum laid down by the Hon'ble Apex Court in ***Mathura Singh's*** case (supra), this Court is of the considered view that the offence of the present case being compoundable and a compromise

admittedly having been effected between the parties, the prayer made on behalf of the petitioners herein merits acceptance.

The allegations relate back to the year 2008. The complainant has volunteered to compound offence with the three petitioners herein in these two connected petitions in the light of specific terms and conditions contained in the compromise deed dated 3.4.2017 (Annexure A-1). The offence under sections 406 and 120-B I.P.C are compoundable in terms of sub section 2 of section 320 Cr.P.C.

In view of the above, the offence under sections 406 and 120-B I.P.C qua the present petitioners in both these revision petitions are compounded and the conviction and sentence of the petitioners is set aside.

Revision petitions are disposed of accordingly.

The petitioners are directed to be released forthwith.

(TEJINDER SINGH DHINDSA)
JUDGE

01.05.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No