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

1. **CRR-1443-2017[O&M]**
Date of Decision:- August 29, 2017

Harwinder Pal Singh Petitioner

Versus

State of Punjab Respondent

2. **CRR-1458-2017**

Amandeep Singh alias Babbu and others Petitioners

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Amit Kumar Walia, Advocate,
for the petitioners.

Mr. Raj Birinder Singh Chahal, Addl. AG, Punjab,
for the respondent State.

SHEKHER DHAWAN, J.

The above mentioned two revision petitions are directed against the judgment of conviction and order of sentence dated 16.7.2016 passed by Sub Divisional Judicial Magistrate, Sunam, whereby the revisionists were convicted and sentenced as under:-

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Name	Under Section	Sentence	In default
1. Harwinderpal Singh	Section 323 read with Section 149 of Indian Penal Code (for short, "I.P.C.")	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section 325 read with Section 149 I.P.C.	to undergo Rigorous Imprisonment for two years and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section 148 I.P.C.	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.
2. Sukhpal Singh	Section 323 I.P.C.	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section 325 I.P.C.	to undergo Rigorous Imprisonment for two years and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section 148 I.P.C.	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.
3. Jagdeep Singh	Section 323 I.P.C.	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section 325 read with Section 149 I.P.C.	to undergo Rigorous Imprisonment for two years and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section 148 I.P.C.	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.

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4. Kulwinder Singh	Section I.P.C.	323	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section read with Section I.P.C.	325 with 149	to undergo Rigorous Imprisonment for two years and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section I.P.C.	148	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.
5. Amandeep Singh	Section I.P.C.	323	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section read with Section I.P.C.	325 with 149	to undergo Rigorous Imprisonment for two years and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section I.P.C.	148	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.
6. Navdeep Singh	Section read with Section I.P.C.	323 with 149	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section read with Section I.P.C.	325 with 149	to undergo Rigorous Imprisonment for two years and to pay fine of ₹500/-.	To further undergo RI for one month.
	Section I.P.C.	148	to undergo Rigorous Imprisonment for one year and to pay fine of ₹500/-.	To further undergo RI for one month.

The sentences were ordered to run concurrently.

2. The appeal filed by the revisionists was dismissed by learned

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Additional Sessions Judge, Sangrur vide judgment dated 16.02.2017. However, the order of sentence *qua* accused-petitioners, Amandeep Singh, Kulwinder Singh, Sukhpal Singh and Jagdeep Singh, [Petitioners No.1 to 4 in CRR-1458-2017] was modified and they were also burdened with an amount of ₹10,000/- each payable to the complainant as compensation.

3. Facts relevant for the purpose of decision of these revision petitions; that process of law was set into motion by complainant – Gurdhian Singh on the ground that on 6.5.2014 at about 6.30 PM, he alongwith his brother Pargat Singh and their servant, Roda Singh were working in their fields. At that time, the petitioners came to the spot, who were armed with deadly weapons. They entered in the fields of the complainant and raised *lalkara*. Jagdeep Singh gave “Tangli” blow on the back of the complainant; accused Amandeep Singh gave iron rod blow on the left knee of the complainant; accused Kulwinder Singh gave iron rod blow on the left leg of the complainant; accused Sukhpal Singh gave “*ghop*” blow on the left hand wrist and right hand wrist of the complainant and thereafter, the complainant fell down. Accused Amandeep Singh gave iron rod blow on the right leg of the complainant and thereafter all the accused persons fled away from the spot alongwith their respective weapons.

4. After completion of investigation, challan was presented in the Court. Learned trial Judge completed various proceedings of trial, including framing of charge against the accused, recording of evidence and

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examining the accused under Section 313 Cr.P.C., and after considering the prosecution evidence and defence version held the present revisionists guilty and convicted and sentenced them. As mentioned above, the appeal preferred by the revisionists was dismissed by learned Additional Sessions Judge, Sangrur vide judgment dated 16.02.2017 and as such the present revision petitions before this Court.

5. At the time of arguments, learned counsel for the revisionists restricted his arguments that he does not challenge the judgment of conviction dated 16.07.2016, duly upheld by the first Appellate Court, and the present revision petitions be treated qua order of sentence only. The main plea raised by learned counsel for the petitioners is that the petitioners have already undergone much agony of law by facing trial since 2014. More so, the petitioners have undergone the following period of sentence while remaining in custody.

Name of the Petitioner	Custody period
Harwinder Singh	4 months 03 days
Amandeep Singh alias Babbu	3 months 17 days
Sukhpal Singh	4 months 06 days
Jagdeep Singh alias Deepa	4 months 06 days
Kulwinder Singh alias Nikka	4 months 06 days
Navdeep Singh	4 months 06 days.

6. Learned counsel for the petitioners has further submitted that both the parties, with the intervention of respectable, have entered into compromise with the intervention of respectable and the same is on record of connected quashing petition bearing No. **CRM-M-20710-2017, titled**

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Amandeep Singh alias Babbu and others.

7. Learned counsel representing the complainant-injured affirmed the fact that the parties have entered into a compromise and urged that if given a chance, the parties will be able to live a peaceful life.

8. As regards to revisions against judgment of conviction, both the Courts below have already scanned the entire evidence available on the file including the statement of injured eye-witness, which is supported by medical evidence and there is no ground to set-aside the said findings. Taking all these factors into consideration, the present revision petitions against judgment of conviction dated 16.7.2016 stand dismissed.

9. Similar matter was before the Hon`ble Division Bench of this Court in **Sube Singh and another Vs. State of Haryana and another,** 2013(4) R.C.R. (Criminal) 102 , wherein it has been observed as under:-

“(21). In the light of these peculiar facts and circumstances where not only the parties but their close relatives (including daughter and son-in-law of respondent No.2) have also supported the amicable settlement, we are of the considered view that the negation of the compromise would dis-harmonize the relationship and cause a permanent rift amongst the family members who are living together as a joint family. Non-acceptance of the compromise would also lead to denial of complete justice which is the very essence of our justice delivery system. Since there is no statutory embargo against invoking of power under Section 482 Cr.P.C. after conviction of an accused by the trial Court and during pendency of appeal against such conviction, it appears to be a

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fit case to invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.”

10. In view of the fact that the parties have settled their dispute amicably and the matter in controversy is such that the same is effecting the parties *inter se* and not against the society at large, the revision petitions qua sentence part are partly allowed and the order of sentence dated 16.7.2016 passed by the Court below is modified to the extent that the substantive sentence awarded to the petitioners is reduced to the one already undergone by them while in custody.

11. The petitions stand disposed of in the above terms.

August 29, 2017
Ashwani/som

(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes
Yes