

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-539-2017 (O&M)

Date of decision: 17.08.2017

Binder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. LS Sidhu, Advocate for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. Ithlesh, Advocate for

Mr. Amandeep Kansal, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

1. Present criminal revision has been preferred by the petitioners against judgment dated 07.01.2017, passed by the learned Additional Sessions Judge, Mansa, dismissing the appeal of the petitioners against the judgment of conviction and order of sentence dated 05.09.2012 of the learned Sub Divisional Judicial Magistrate, Sardulgarh.

2. Vide the aforesaid judgment of conviction and order of sentence dated 05.09.2012, the petitioners namely; Binder Singh, Raja Singh and Sukhwant Singh, were convicted under Sections 326 and 323 read with Section 34 IPC and the maximum sentence awarded to them is to undergo simple imprisonment for a period two years under Section 326 read with Section 34 IPC. However, both the substantive sentences were ordered to run concurrently.

3. Learned counsel for the petitioners states that he does not

challenge the impugned judgment qua conviction of the petitioners on merit. However, he submits that since the parties have amicably settled their dispute vide compromise deed dated 23.01.2017 (Annexure P-2), therefore, the matter qua sentence of the petitioners may be taken into consideration with leniency.

4. Learned counsel for respondent No. 2 fairly admits that the parties have amicably settled the dispute in terms of compromise deed dated 23.01.2017 (Annexure P-2) and he has no objection if lenient view is taken.

5. As per custody certificates filed by learned State counsel, all the petitioners have already undergone total sentence of 1 month and 16 days as on 02.05.2017.

6. Perusal of compromise Annexure P-2, shows that respondent No. 2-Makhan Singh (complainant) had compromised the matter with the petitioners, with the intervention of Gram Panchayat and respectables of the village without any pressure, coercion or undue influence from any corner.

7. Considering the overall facts and circumstances of the case and the fact that the petitioners who are stated to be on bail have faced the protracted trial for more than 9 years, this Court is of the view that no useful purpose will be served by sending them behind the bars any further. More so, the compromise entered in between the parties would bring harmony in their relations.

8. Accordingly, the judgment of conviction passed by the trial Court and that of the Ist Appellate Court dated 07.01.2017 are hereby upheld. The revision of the petitioners to this extent is dismissed.

9. However, in view of the compromise between the parties the

order of sentence dated 05.09.2012 is modified to the extent that the sentence awarded to the petitioners is reduced to the period already undergone by them.

10. The instant revision petition stands disposed of accordingly.

August 17, 2017

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No