

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

(I)

CRM No.9924 of 2018 in/and
CRA No.S-2443-SB of 2004
Date of Decision:- 14.05.2018

Pardeep Singh and another

...Appellants

Versus

State of Punjab

...Respondent

(II)

CRA No.D-746-DBA of 2005
Date of Decision: 14.05.2018

Gurmail Singh

...Appellants

Versus

Pardeep Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE B.S. WALIA**

Present: Mr. Sartaj Singh Toor, Advocate
for the applicant-appellant in CRA No.S-2443-SB-2004).

Mr. H.S. Sullar, DAG, Punjab.

Mr. Anmol Partap Singh Mann, Advocate
for the complainant and appellant in CRA-D-746-DBA-2005.

A.B. Chaudhari, J.

CRM No.9924 of 2018, has been filed by appellants-Pardeep Singh and another for allowing compounding of offence, for which, they have been convicted by the learned trial Court. Appeal against the judgment of conviction and order of sentence is pending for final hearing before this Court.

An appeal assailing the judgment of conviction and sentence has also been filed by the complainant on account of acquittal under Section 307 of the Indian Penal Code and for enhancement of sentence. Accordingly, both the matters have, thus, come to the Division Bench in view of the said appeal against acquittal.

Learned counsel for appellants Pardeep Singh and another is present in the Court, so also the counsel for complainant-Gurmail Singh is present.

Learned counsel for the rival parties have drawn the attention of this Court to Annexure A-1, which is a mutual panchayati compromise along with Annexure A-2, which is a compromise/understanding. Counsel for both the parties submit that with the lapse of period of around 20 years, the parties have realized that it is better to have peaceful relations and both the parties should live in peace and harmony. We have also heard learned State counsel.

We find that the conviction against the appellants has been recorded under Section 325, 323 read with Section 34 of the Indian Penal Code, whereby they have been sentenced to undergo rigorous imprisonment for a period of 2 years. The counsel for the complainant submitted that the appeal filed by the complainant against the acquittal of the appellants under Section 307 of the Indian Penal Code and for enhancement of sentence should also be permitted to be withdrawn in view of compromise as stated above.

We have given conscious thought to the entire matter and in view of the decision of three Judges Bench of Hon'ble the Supreme Court in Gian Singh Vs. State of Punjab 2012 (4) RCR (Criminal) 543, we think that the

compounding should be allowed in order that the parties may live in peace and harmony. We, therefore, find no difficulty in allowing the compounding as prayed for in the present application.

The appeal against acquittal bearing CRA No.D-746-DBA of 2005 is also allowed to be withdrawn.

We also think it appropriate that State of Punjab is required to be compensated because the state machinery was set into motion for about 20 years and accordingly, we make the following order:-

ORDER

- i) CRM No.9925 of 2018 is allowed;
- ii) Criminal Appeal No.S-2443-SB of 2004 is disposed of and the parties are allowed to compound the offence for which the appellants have been convicted. However, the sentence of fine shall remain intact. The judgment of conviction and order of sentence impugned passed by the learned trial Court is set aside in view of lawful compounding of offence;
- iii) Appeal against acquittal bearing No.CRA No.D-746-DBA of 2005 is allowed to be withdrawn;
- iv) The appellants Pardeep Singh and another shall deposit a sum of Rs.10,000/- each with State of Punjab through O/o Commissioner of Police, Ludhiana, within a period of three months from today, failing which, the order of compounding the offence shall come to

CRM No.9924 of 2018 in
CRA No.S-2443-SB of 2004

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end automatically, without reference to the Court.

(A.B. Chaudhari)
Judge

(B.S. Walia)
Judge

14.05.2018
rajesh.k.khurana