

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

207

CRA-S-1410-SB of 2012 (O&M)

Date of decision: March 16, 2018

Harbans Singh and others

.....Appellants

Versus

State of Punjab

.....Respondent

CRA-S-1404-SB of 2012 (O&M)

Mohinder Pal and others

.....Appellants

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Bhanu Pratap Singh, Advocate
for the appellants in CRA-S-1410-SB of 2012 and
Mr. K.S. Dhaliwal, Advocate
for the appellants in CRA-S-1404-SB of 2012.

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

A.B. CHAUDHARI, J (Oral)

This order shall dispose of both the appeals CRA-S-1410-SB
of 2012 and CRA-S-1404-SB of 2012.

These appeals have been placed on Regular Board of this
Court for final hearing.

These appeals have been filed for setting aside the impugned
judgment of conviction and order of sentence dated 29.03.2012 passed
by the Additional Sessions Judge (Adhoc) Fast Track Court-I,
Hoshiarpur.

In the interregnum, the parties in both these appeals, which

arose out of cross cases, have filed application for permission to compound the offences for which irrespective appellants were convicted by the trial Court.

In CRA-S-1410-SB of 2012, the appellants therein were convicted in a case arising from FIR No.84 dated 19.05.2008 under Sections 326, 324, 323, 148 & 149 of Indian Penal Code and in CRA-S-1404-SB of 2012 arising out of FIR No.84 dated 19.05.2008 registered under Sections 450/326/325/324/323/148/149 of Indian Penal Code, at Police Station Tanda. There were thus the counter cases, in which both the parties were convicted and sentenced by the trial Court. The incident relates to the year 2008 i.e. 19.05.2008. In these cases, dispute was of possession of land over the boundary. Appellants in both these appeals have undergone some sentence.

By making an order on 02.02.2018, this Court found that the dispute was of civil nature between the neighbourers who are appellants in both these cases and in order to achieve peace and harmony amongst them and to prevent any future dispute amongst them in the form of assault etc., it would be proper to allow them the compounding of the offences by applying the Supreme Court judgment in the case of **Gian Singh vs. State of Punjab and another 2012 (4) RCR (Crl.) 543.**

Accordingly, the parties, in both these appeals, were asked to get their statements recorded, subject to the payment of cost of Rs.3,000/- each payable to State of Punjab. Pursuant thereto, now there is report of District & Sessions Judge, Hoshiarpur on behalf of the

appellants that the cost amount has been deposited and the statements have also been recorded.

In view of the above, the following order is passed:-

ORDER

- (i) CRA-S-1410-SB of 2012 and CRA-S-1404-SB of 2012 are disposed of by way of compounding.
- (ii) FIR No.84 dated 19.05.2008 registered under Sections 326/324/323/148/149 and FIR No.84 dated 19.05.2008 registered under Sections 450, 326, 325, 324, 323, 148, 149 of Indian Penal Code at Police Station Tanda, are quashed along with all consequential proceedings, qua the appellants.

(A.B. CHAUDHARI)
JUDGE

March 16, 2018
anju rani

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No