

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

CRM-283-2016 in/and
CRA-S-1927-SB of 2010
Date of Decision: 14.09.2018

Manpreet Singh @ Tindo & anr.

....Appellants

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Karanjeet Singh Brar, Advocate,
for the appellants.

Mr. A.S. Gill, DAG, Punjab.

Mr. Harshit Jain, Advocate,
for the complainant.

RAMENDRA JAIN, J. (ORAL)

Mr. Harshit Jain, Advocate, appears at his own for the complainant, who has not been impleaded as a party and has filed Vakalatnama in Court today. The same is taken on record. Office to tag the same at the appropriate place.

On the oral request of learned counsel for the parties, main appeal, which is on the regular board of this court, is taken up for final disposal, in view of compromise between the parties.

Appellants through CRM-283 of 2016 under Section 482 Cr.P.C. prayed for disposal of appeal by setting aside judgment of conviction dated 10.08.2010 and order of sentence dated 11.08.2010, passed by the learned Sessions Judge, Bathinda, holding the appellants guilty under Section 304(II)

IPC and sentencing appellant No.1 Manpreet Singh @ Tindo to undergo rigorous imprisonment for two years along with fine of Rs.1,000/- and

appellant No.2 Gurpreet Singh @ Babbu for a period of three years' rigorous imprisonment along with fine of Rs.5,000/-, on the basis of compromise.

Consequently, the parties were directed to appear before the trial Court/Illaq Magistrate, Bathinda, to get their statements recorded qua compromise and the learned Magistrate was directed to report as to whether the compromise between the parties was genuine, without any pressure or undue influence. In response thereto, learned Additional Sessions Judge, Bathinda, has submitted his report vide letter No. 759, dated 02.08.2018 duly forwarded by learned District and Sessions Judge, Bathinda, vide Endst. No.1489, dated 21.08.2018.

According to the report, learned Additional Sessions Judge, Bathinda, is satisfied that compromise entered into between the parties is genuine, voluntary, without any coercion or undue influence with their free will.

Considering the overall facts and circumstances of the case, this Court is of the view that no useful purpose would be served sending the appellants behind bars any further in view of the compromise entered in between the parties, which would bring harmony in their relations.

Accordingly, the impugned judgment of conviction dated 10.08.2010 qua conviction of the appellants is upheld. The appeal of the appellants to this extent is hereby dismissed. However, order of sentence dated 11.08.2010 is modified to the extent that the sentence awarded to the appellants is reduced to the period already undergone, subject to payment of costs of ₹10,000/-, out of which ₹8,000/- shall be deposited with the

Account details:-	Chief Minister's Distress Relief Fund.
Account Number :-	67319948232
Bank:-	State Bank of India.
Branch:-	City Branch, Thiruvananthapuram
IFSC:-	SBIN0070028
PAN:-	AAAGD0584M
Account Type:-	Savings
SWIFT Code:	SBININBBT08

and ₹2,000/- with the Bar Association of Punjab and Haryana High Court within two weeks from today, failing which this appeal shall be deemed to be dismissed.

With the observations made above, the present appeal is disposed of.

List on 06.10.2018, for production of receipt with regard to deposit of aforesaid costs.

14.09.2018
monika

(RAMENDRA JAIN)
JUDGE

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