

(1)

CRA-S-801-SB-2006 (O&M)
CRM-M-30978-2018 (O&M)

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

(1)

CRA-S-801-SB-2006 (O&M)
Date of Decision:-12.11.2018

Gurtar Singh and another

... Appellants

Versus

State of Punjab

... Respondent

(2)

CRM-M-30978-2018 (O&M)

Gurtar Singh and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.K.S. Phoolka, Advocate,
for the appellants in CRA-S-801-SB-2006 and
for the petitioners in CRM-M-30978-2018.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

Mr. Davinder Kumar, Advocate for respondents No.2 and 3.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of the above mentioned criminal appeal bearing No.CRA-S-801-SB of 2006 as well as petition bearing No.CRM-M-30978 of 2018.

While appeal has been filed by Gurtar Singh and Sukhmander Singh challenging their conviction for offence under Sections 307 and 323 of Indian Penal Code as recorded by learned Additional Sessions Judge (Adhoc) Fast Track Court, Bathinda, the criminal miscellaneous petition has been filed by aforesaid Gurtar Singh and Sukhmander Singh seeking

quashing of FIR No.66 dated 28.6.2004 registered under Sections 307, 324, 323 and 34 of Indian Penal Code at Police Station Saddar, Bathinda, District Bathinda and for setting aside the judgment dated 8.4.2006 passed by learned Additional Sessions Judge (Adhoc) Fast Track Court, Bathinda, on the ground that the parties have since compromised the matter.

Vide order dated 24.7.2018 passed in CRM-M-30978-2018, the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get their statements recorded qua the factum of compromise.

The report dated 20.8.2018 of learned Judicial Magistrate 1st Class, Bathinda has been received to the effect that the statements of complainant/injured Pappi Singh @ Malkit Singh and also of injured witness Gurmit Singh apart from the statement of the petitioners/convicts Gurtar Singh and Sukhmander Singh have been recorded to the effect that they have compromised the matter amongst themselves.

It may here be mentioned that Karam Singh, who was another injured, who was father of Pappi Singh @ Malkit Singh and Gurmit Singh, is stated to have already expired.

The learned Judicial Magistrate 1st Class, Bathinda has opined that the compromise has been reached at voluntarily amongst the parties without there being any prerssure or undue influence.

I find that it is a case of a dispute amongst brothers inasmuch as the deceased/injured Karam Singh and the petitioner/convict Sukhmander Singh were real brothers and the dispute was over a '*khaal*'. Since it has been reported that the parties have comprommised the matter, it would

certainly for the benefit of both the parties that cordial relations are maintained amongst them as they happen to be closely related to each other.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition bearing No.CRM-M-30978 of 2018 is allowed and FIR No.66 dated 28.6.2004 registered under Sections 307, 324, 323 and 34 of Indian Penal Code at Police Station Saddar, Bathinda, District Bathinda and all the consequent proceedings arising therefrom are hereby quashed. Consequently, the judgment of conviction dated 8.4.2006 passed by learned Additional Sessions Judge (Adhoc) Fast Track Court, Bathinda, which has been challenged by way of filing an appeal bearing No.CRA-S-801-SB of 2006 is set aside.

The criminal appeal No.CRA-S-801-SB of 2006 as well as CRM-M-30978 of 2018 stand accepted accordingly.

12.11.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No