

**223 IOIN-CRA-S-1239-SB-2015 and
IOIN-CRA-S-1403-SB-2015 and
IOIN-CRA-S-1796-SB-2015**

HARMEET SINGH @ SONY & ORS VS STATE OF PUNJAB

Present: Mr. Sonpreet S. Brar, Advocate for the appellants
in CRA-S-1239-SB-2015.

Mr. Abhayser Singh, Advocate for the appellants
in CRA-S-1403-SB-2015 and CRA-S-1796-SB-2015

Mr. Davinder Bir Singh, DAG, Punjab.

Vide orders dated 22.11.2018 and 10.12.2018, directions were issued to the appellants to deposit Rs.10,000/- out of which Rs.7,000/- each shall be deposited with the Prime Minister's Relief Fund and Rs.3,000/- each with the Bar Council of Punjab and Haryana. Appellants have complied order dated 22.11.2018 (in all appeals) along with order dated 10.12.2018 passed in CRM-43732-2018 in CRA-S-1239-SB-2015 and has submitted the receipts dated 03.12.2018 and 18.12.2018. This fact is also not disputed by learned counsel for the State. Original receipts are taken on record. Order dated 22.11.2018 is reproduced as under:-

CRM-40554 of 2018

For the reasons mentioned in the application, same is allowed. Compromise deed dated 07.03.2018 and affidavits of complainant Balwinder Singh, injured, namely, Pritam Singh and Jaswinder Singh as Annexure A-1 to A-4 are taken on record.

CRM-40555 of 2018

Through this application under Section 482 Cr.P.C. prayer has been made for impleading complainant Balwinder Singh son of Amar Singh, injured Pritam Singh son of Sh. Amar Singh and Jaswinder Singh son of Pritam Singh as respondents

No.2 to 4, respectively in the array of parties. Heard. For the reasons mentioned in the application, same is allowed. Complainant Balwinder Singh son of Amar Singh, injured Pritam Singh son of Sh. Amar Singh and Jaswinder Singh son of Pritam Singh are permitted to be impleaded as respondents No.2 to 4, respectively in the array of parties. Amended memo of parties is taken on record.

Ms. Harsimranjeet Kaur, Advocate, has filed vakalatnama on behalf of respondents No.2 to 4 on her own. Same is taken on record.

CRM-M-1239-SB of 2015

Custody certificates filed in Court today are taken on record.

Learned counsel for both the sides submit that this appeal was admitted on 18.03.2015. Since parties have compromised, therefore, instant appeal may be taken up for hearing today itself and disposed of in terms of compromise deed (Annexure A-1).

Since, appellants were held guilty under Sections 148, 323, 324, 325, 307 and 506 independently and with the aid of Section 149 IPC also vide judgment of conviction dated 27.02.2015 and were ordered to undergo maximum sentence of four years under Section 307 IPC vide order of sentence dated 03.03.2015, therefore, in view of compromise deed (Annexure A-1) FIR No.49 dated 12.02.2004 registered under Sections 307, 326, 325, 324, 323, 506, 148 and 149 IPC, pertaining to Police Station Samana, cannot be quashed.

However, considering overall facts, circumstances, compromise between the parties and the fact that appellants have been facing the protracted trial for more fourteen years, and custody certificates showing that appellants, except Palwinder Singh @ Happy, Kuldeep Singh and Jaspreet Singh @ Gurmeet

Singh, who have undergone 10 months and 16 days, 04 months and 10 days and 11 months and 19 days, respectively, all the appellants have already undergone sentence for more than one year out of maximum sentence of four years, this Court is of the view that no useful purpose would be served by sending appellants, who are stated to be on bail, behind bars any further. More so, the compromise entered into between the parties would bring peace and harmony in their relations.

Accordingly, the impugned judgment of conviction dated 27.02.2015 qua conviction of the appellants is upheld. Consequently, the appeal of the appellants to this extent is hereby dismissed. However, in view of the above discussion, the order of sentence dated 03.03.2015 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 Rs.10,000/- each, out of which Rs. 7,000/- each shall be deposited with the Prime Minister's Relief Fund and Rs.3,000/- each with the Bar Council of Punjab and Haryana.

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

List on 17.12.2018 for production of receipt with regard to deposit of aforesaid costs "

Order dated 10.12.2018 is reproduced as under:-

"Prayer in this application is for reduction of cost amount imposed by this Court on 22.11.2018 and modification of order dated 22.11.2018.

Heard.

For the reasons mentioned in the application, order dated 22.11.2018 is modified to the effect that cost of Rs.10,000/- each shall be treated to be Rs.33,000/- in total.

Learned counsel for the applicants-appellants has produced photocopies of receipts of Rs.3000/- each qua only 7 accused (totalling Rs.21,000/-).

The remaining cost of Rs.9,000/- shall be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a week.

List on 20.12.2018 for production of original receipts."

Thus order of sentence dated 03.03.2015 is modified to the extent that the sentence awarded to the appellants is reduced to the period already undergone in all these appeals.

Taking into consideration the fact that the orders dated 03.12.2018 and 10.12.2018 have been complied, CRA-S-1239-SB-2015, CRA-S-1403-SB-2015 and CRA-S-1796-SB-2015 are disposed of.

Photocopy of this order be placed on the files of other connected cases.

20.12.2018
pooja saini

(HARNARESH SINGH GILL)
JUDGE