

CRA-S-1796-SB of 2015 (O&M)

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

CRA-S-1796-SB of 2015 (O&M)
Date of Decision: 22.11.2018

Devinder Singh

....Appellant

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Ms. Harsimranjeet Kaur, Advocate, for the appellant.
Mr. Davinder Bir Singh, DAG, Punjab.
Mr. Sonpreet S. Brar, Advocate, for respondent No.2.

RAMENDRA JAIN, J. (ORAL)

CRM-40702 of 2018

For the reasons mentioned in the application, same is allowed.

Compromise deed dated 07.03.2018 and affidavit of complainant Harmeet Singh as Annexures A-1 to A-2, respectively, are taken on record.

CRM-40703 of 2018

Through this application under Section 482 Cr.P.C. prayer has been made for impleading complainant Harmeet Singh son of Kuldeep Singh, resident of Dera Village Kahangarh, Tehsil Samana, District Patiala in the array of parties as respondent No.2.

Heard.

For the reasons mentioned in the application, same is allowed.

Complainant Harmeet Singh son of Kuldeep Singh, resident of Dera Village Kahangarh, Tehsil Samana, District Patiala is permitted to be impleaded as

respondent No.2 in the array of parties. Amended memo of parties is taken

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on record.

Mr. Sonpreet S. Brar, Advocate, has filed vakalatnama on behalf of respondent No.2 on his own. Same is taken on record.

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Custody certificate filed in Court today is taken on record.

Learned counsel for both the sides submit that this appeal was admitted on 21.05.2015. 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, appellant was held guilty under Sections 148 read with Section 149, 323 and 324 IPC vide judgment of conviction dated 27.02.2015 and was ordered to undergo maximum sentence of two years under Section 324 IPC vide order of sentence of even date, therefore, in view of compromise deed (Annexure A-1) FIR No.49 dated 12.02.2004 registered under Sections 148, 324, 323 and 149 IPC pertaining to Police Station Samana, cannot be quashed.

However, considering overall facts, circumstances compromise between the parties and the fact that appellant has been facing the protracted trial for more than fourteen years, this Court is of the view that no useful purpose will be served by sending appellant, who is 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 appellant is upheld. Consequently, the appeal of the appellant to this extent is hereby dismissed. However, in view

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of the above discussion, the order of sentence dated 27.02.2015 is modified to the extent that the sentence awarded to the appellant is reduced to the period already undergone, subject to payment of costs of ₹10,000/-, out of which ₹7,000/- shall be deposited with the Prime Minister's Relief Fund and ₹3,000/- 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.

November 22, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No