

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-1658-SB-2017 (O&M)

Date of decision: 18.09.2018

Major Singh and others

..... Appellants

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Prateek Pandit, Advocate for the appellants.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

CRM-10636-2018

For the reasons mentioned in the application which is supported by an affidavit, the same allowed.

On joint request of learned counsel for the parties, the main appeal is taken up for hearing today itself.

CRA-S-1658-SB-2017

The instant appeal has been preferred by the appellants, namely; Major Singh, Satnam Singh, Gurpreet Singh @ Gora, Jagpreet Singh and Gubhej Singh @ Harbhej Singh, against the judgment of conviction and order of sentence dated 30.03.2017 of the Additional Sessions Judge, Kapurthala, whereby they were held guilty and convicted under Sections as under:-

<i>Name of appellant</i>	<i>Under Section</i>
1. Major Singh	325, 326 and 323/149, 148 IPC.
2. Satnam Singh	326 IPC, 325 and 323/149 and 148 IPC.
3. Gurpreet Singh @ Gora	323 IPC, 326 and 325/149 and 148 IPC.
4. Jagpreet Singh	326, 325, 323/149 and 148 IPC.
5. Gurbhej Singh @ Harbhej Singh	326, 325, 323/149 and 148 IPC

All the sentences were ordered to run concurrently.

Learned counsel for both the parties are *ad idem* that the parties have amicably settled their dispute vide compromise dated 09.05.2017 (Annexure A-2).

Vide order dated 26.07.2018, parties were directed to appear before the trial Court, to get their statements recorded for compromise with a direction to the trial Court to furnish a report qua veracity of the compromise.

Consequently, parties appeared before the Additional Sessions Judge, Kapurthala and got recorded their statements qua compromise on 12.09.2018. Consolidate report from the Additional Sessions Judge, Kapurthala, vide letter No. 1075 dated 14.09.2018, has been received (in CRA-S-1491-SB-2017). According to the report of the Additional Sessions Judge, Kapurthala, the compromise arrived at in between the parties voluntarily and with their free will and consent.

Having considered the submissions from both sides, the impugned judgment of conviction of the trial Court dated 30.03.2017, qua the appellants is not liable to be interfered. Accordingly, the same is upheld. The appeal, to this extent, is dismissed. However, considering the fact that the parties have amicably settled their dispute and report qua

sentence of dated 30.03.2017 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 ₹4000/- shall be deposited with the Bar Association, Punjab and Haryana High Court, Chandigarh; ₹1000/- with the Bar Council of Punjab and Haryana and ₹ 5000/- High Court Legal Services Committee, within three weeks' from today from today, failing which the instant appeal shall automatically stand dismissed. The appellants are directed to furnish relevant receipts with regard to deposit of costs with the Registry.

The instant appeal stands disposed of, accordingly.

It is, however, made clear that the default clause on account of non-payment of fine by the appellants shall remain intact.

September 18, 2018
rishu

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No