

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

CRM No.28935 of 2018

in/and

CRA-S-791-SB of 2014

Date of Decision: 04.12.2018

Jeet Singh and others

....Appellants

Versus

State of Punjab

....Respondent

CRM No.27561 of 2018

in/and

CRA-S-511-SB of 2014

Bikkar Singh and others

....Appellants

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. G.S. Nahel, Advocate
for the applicant-appellants in
CRA-S-791-SB of 2014.

Ms. Navneet Kaur, Advocate
for the applicant- appellants in
CRA-S-511-SB of 2014.

Ms. Samina Dhir, D.A.G., Punjab.

DAYA CHAUDHARY, J.

Applications bearing **CRM No.28935 of 2018** and **CRM No.27561 of 2018** have been moved under Section 320 Cr.P.C read with Section 482 Cr.P.C for compounding of offences under Sections 325, 323, 452, 148, 149 IPC on the basis of compromise arrived at between the appellants and the complainant.

By this judgment of mine, two appeals bearing **CRA-S-791-SB**

of 2014 and **CRA-S-511-SB of 2014** along with applications shall be disposed of as prayer made is for compounding of offences on the basis of compromise arrived at between the parties. However, main appeals are being taken up for arguments in view of application for compounding of offence.

Accused-appellants, namely, Jeet Singh, Dhanna Singh, Gurpreet Singh, Satnam Singh and Jagtar Singh have filed **CRA-S-791-SB of 2014**, which stands admitted vide order dated 21.02.2014.

However, **CRA-S-511-SB of 2014** has been filed by accused-appellants, namely, Bikkar Singh, Harwinder Singh, Sher Singh, Kaka Singh, Kuldeep Singh, Davinder Singh and Mukhtair Kaur, which stands admitted vide order dated 05.02.2014.

The sentence of the accused-appellants in both the appeals was already suspended by the trial Court and that interim was extended subsequently.

Learned counsel for the applicant-appellants submits that with the intervention of respectables, a compromise has been arrived at between the accused-appellants and the complainant and sentence has already been suspended by learned Additional Session Judge, Sangrur which has further been extended till the disposal of appeal by this Court vide order dated 04.07.2014.

Learned counsel for the complainant has not disputed the factum of compromise arrived at between the parties.

Offence under Sections 325 and 323 IPC are compoundable, whereas, the offence under Sections 452, 148 and 149 are non-compoundable.

Vide order dated 24.08.2018 passed by this Court in **CRM No.28935 of 2018** and **CRM No.27561 of 2018**, the parties were directed to appear before the trial Court for getting their statements recorded. In pursuance of the order passed, both the parties appeared before the trial Court for getting their statements recorded. The statements of the parties were recorded jointly, wherein, they have specifically stated that a compromise has been arrived at between them, which is as per their free will, without any threat or coercion and has taken place with the intervention of the respectables. The complainant has also stated that he has no objection, in case, the proceedings are quashed. A report has also been sent by Judicial Magistrate Ist Class, Sunam along with statements of the parties, wherein it has been stated that the compromise is genuine as per sweet will of the parties and without any pressure from either side. It has also been stated that no criminal proceedings are pending against either of the parties.

Accordingly, both the appeals along with applications are allowed and the appellants are acquitted of the charges for offence under Sections 325 and 323 IPC as both the offences are compoundable. However, the sentence qua offences punishable under Sections 452, 148 and 149 is reduced to the period already undergone. The accused-appellants are on bail as their sentence has already been suspended by this Court vide order dated 04.07.2014.

(DAYA CHAUDHARY)
JUDGE

04.12.2018
gurpreet

Whether speaking/reasoned

Yes

Whether Reportable

No