

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

1. **CRR No.4125 of 2016 (O&M)**
Date of decision: August 21, 2018

Kashmir Singh **....Petitioner**

Versus

State of Punjab and another **....Respondents**

2. **CRR No.4302 of 2016 (O&M)**

Kabal Singh and others **....Petitioners**

Versus

State of Punjab and another **....Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. B.S. Jaswal, Advocate
for the petitioner(s).

Mr. V.G. Jauhar, Senior DAG, Punjab.

Mr. Sukhveer Singh Killianwali, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.

By this common judgment, this court would like to dispose of above captioned two criminal revision petitions as both of them have been originated from the common judgment and sentenced order passed by courts below.

Three sale deeds (Annexures PW 5/A to PW 5/C) were executed by Gurpal Singh with regard to sale of 12 kanals-16 marlas and 20 kanals-22 marlas of land in favour of Baljinder Kaur wife of Harpreet

Singh (Annexures PW 5/A and PW 5/B) and third sale deed (Annexure PW 5/C) in favour of Kabal Singh, Sakattar Singh and Gurdev Singh sons of Kashmir Singh. Those sale deeds were witnessed by the attesting witnesses namely, Bir Singh, Lambardar, Har Singh and Avtar Singh.

After execution of the sale deed, Smt. Kulvir Kaur wife of vendor Gurpal Singh, submitted an application to the police that all the accused along with Kashmir Singh had in fact abducted her husband and obtained his thumb impressions and signatures on sale deeds and nothing was paid to him and as such, alleged sale deeds are forged and fabricated documents. All eight persons put to trial. On her statement FIR was registered. However, proceedings against Harpreet Singh and Baljinder Kaur were quashed by this court on the basis of compromise with the complainant party. After conclusion of trial they were convicted as under:-

Name of the convicts	Offences	Sentence (RI)	Fine	In default of payment of fine to further undergo RI for
Kashmir Singh, Kabal Singh, Gurdev Singh, Sakattar Singh, Veer Singh and Avtar Singh	467 IPC	three years	2,000	15 days
	468 IPC	three years	2,000	15 days
	120-B	one year	2,000	15 days

Although six convicts/accused preferred Criminal Appeal No.29 of 2016 as well as another accused also preferred separate appeal. All were disposed of by the first appellate court vide a common judgment impugned before this Court.

Kashmir Singh preferred *Criminal Revision No.4125 of 2016* while remaining accused preferred *Criminal Revision No.4302 of 2016*.

During the pendency of the petition, a compromise has been effected. This court vide order dated May 14, 2018 directed the learned trial court to send the report regarding the genuineness of compromise of the parties.

Learned trial court has made a specific report that 'compromise has been effected between the parties without any pressure or undue influence and voluntarily. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony.'

Hon'ble the Supreme Court in *Surendra Nath Mohanty and another Vs. State of Orissa* had accepted the compromise for non-compoundable offence and reduced the sentence already undergone.

In the case in hand also this court in *CRM-M-13984-2013* has already quashed the proceedings against Harpreet Singh and Baljinder Kaur.

This court is of the view that ends of justice would be adequately meted out in case the sentence imposed by the petitioner reduced to the sentence already undergone by them.

The custody certificate available on record issued by the Deputy Superintendent, Central Jail, Amritsar on 24th June, 2018 reveals that Kashmir Singh has undergone the sentence of 05 months, 11 days, Sakatar Singh has undergone 04 months, 11 days, Avtar Singh undergone 03 months, 26 days, Veer Singh undergone 04 months, 11 days, Gurdev Singh undergone 04 months 11 days and Kabala undergone 04 months 20 days.

Thus, considering the fact that the parties have settled their dispute amicably outside the court and the fact that after registration of the FIR, more than 10 years have been elapsed from the date of institution and for the fact that petitioners have already undergone the sentence aforesaid, this court reduced the sentence awarded to the petitioner already undergone as indicated above.

Thus, the revision petitions are accepted and disposed of accordingly.

(RAJ SHEKHAR ATTRI)
JUDGE

August 21, 2018
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No