

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRR-23-2017 (O&M)

Date of decision: 26.07.2018

Jaswant Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Jatinder Pal Singh Grewal, Advocate  
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. L.S. Lakhanpal, Advocate for  
Mr. T.P.S. Makkar, Advocate  
for respondent No.2.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this revision petition is for setting aside the judgment of conviction dated 31.03.2016 passed by the trial Court, vide which the petitioners were held guilty of offences punishable under Sections 326, 323, 452, 148 of the Indian Penal Code (for short 'IPC') and order of sentence of even date, vide which they were sentenced to undergo R.I. for 03 years with a fine of Rs.800/- each and in default of payment of fine, to further undergo simple imprisonment for 01 month as well as the judgment dated 18.10.2016 passed by the lower appellate Court, vide which the appeal filed by the petitioners was dismissed.

Brief facts of the case are that a complaint was made by Darshan

Singh that on 06.11.2010, his son Gurmeet Singh had gone to the market for purchasing some sweets and the accused persons threatened him. In the meantime, another son of the complainant namely Gurpiar Singh reached at the spot and the petitioners-accused persons caused injuries to them on account of a land dispute.

During pendency of the present revision petition, sentence of the petitioners was suspended vide order dated 20.03.2017. On 11.01.2018, both the parties represented that the matter has been compromised between them and therefore, the trial Court/successor Court was directed to record statements of the parties and submit the report.

As per the report dated 03.02.2018 submitted by the trial Court, complainant-respondent No.2 Darshan Singh appeared and deposed that the FIR was registered on my statement against the present petitioners/accused persons and he has entered into compromise with them on my free will, without any pressure.

Copy of the compromise deed is already on record as Annexure P-3 and it bears the signatures of complainant Darshan Singh as well as injured/two sons of the complainant namely Gurmeet Singh and Gurpiar Singh. The complainant and injured/sons of the complainant have also sworn their affidavits, copies of which are already on record as Annexures P-4 to P-6.

A perusal of the compromise deed as well as the affidavits filed by the complainant and his two sons reveals that they have entered into a compromise in order to end their old enmity, as both the parties belong to the same village and with the intervention of respectables of the village, they have decided to live in peace. The parties have further undertaken that they will not

initiate any further proceedings against each other in this regard. A perusal of the affidavits further shows that the complainants have entered into the compromise of their own free will, without any pressure or coercion in order to bring peace and harmony between the families of the parties.

The trial Court has also recorded the statements of the petitioners/accused and they have also made a statement to the same effect that now the parties have no grudge against each other and the compromise has been effected for the betterment of relationship between the parties.

In view of the statements of both the parties, the trial Court has reported that the compromise is genuine, voluntarily and without any coercion or undue influence.

Learned State counsel has filed custody certificates of the petitioners and as per these custody certificates, all the petitioners have undergone 05 months and 09 days of actual sentence and 05 months and 25 days of total sentence including remission and they are not involved in any other case.

**In Sube Singh and another Vs. State of Haryana and another, 2013 (4) RCR (CrI.) 102**, a Division Bench of this Court has held that even after conviction, if the parties have settled the dispute amicably and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

Considering the fact that the parties have decided to bury their inter-se dispute and further decided to live in peace and also in view of the report of the trial Court dated 03.02.2018, present revision petition is partly allowed. Sentence awarded to the petitioners i.e. 03 years R.I. under Sections

326, 323, 452, 148 IPC along with a fine of Rs.800/- each and in default of payment of fine, to further undergo simple imprisonment for a period of one month, vide judgment of conviction and order of sentence dated 31.03.2016, upheld by the Additional Sessions Judge vide judgment dated 18.10.2016, is modified to the extent that sentence awarded by the trial Court is reduced to the period already undergone by the petitioners.

Since the petitioners are already on bail, their bail/surety bonds shall stand discharged.

The pending miscellaneous application, if any, shall also be disposed of.

**[ ARVIND SINGH SANGWAN ]**  
**JUDGE**

26.07.2018  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No