

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

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CRR-4401-2017 (O&M)

DATE OF DECISION :- February 1, 2018

Jassa Singh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Jagjit Singh Gill, Advocate,
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Balraj Singh Sidhu, Advocate,
for the complainant-respondent No.2.

Learned counsel appears on behalf of Complainant/respondent No.2 and filed vakalatnama, which is taken on record.

Complainant-Dunger Singh and respondent No. 2, Mahender Singh (injured), on being enquired admitted the factum of matter having been compromised between them and petitioners through intervention of the village Gram Panchayat.

Jassa Singh S/o Gurnam Singh, Jagsir Singh @ Sheera S/o Nachhattar Singh both of them accused in FIR No. 128 dated 01.09.2007 for offences under Sections 323, 324, 325, 326 and 34 IPC, registered at Police Station Odhan, District Sirsa, faced trial by Learned SDJM, Dabwali and vide judgment dated 21.07.2014, they were convicted and sentenced to undergo Rigorous Imprisonment for one year and to pay a fine of Rs.1000/- each for committing offence punishable under Section 323 IPC read with

Section 34 IPC. In case of non payment of fine to further undergo Rigorous Imprisonment for one week; to undergo Rigorous Imprisonment for two years and also to pay a fine of Rs.5000/- each for committing offence punishable under Section 324 IPC read with Section 34 IPC in case of non payment of fine to further undergo rigorous Imprisonment for one month, to undergo Rigorous Imprisonment for three years and to pay fine to Rs. 5,000/- each for committing offence punishable under Section 326 IPC read with Section 34 IPC. In case of non payment of fine to further undergo Rigorous Imprisonment for one month.”

All the sentences were ordered to run concurrently.

Jassa Singh and Jagsir Singh @ Sheera had preferred an appeal to Court of Sessions, which was assigned to Addl. Sessions Judge, Sirsa, who vide judgment dated 19.09.2017, dismissed the same. Thereafter, Jassa Singh and Jagsir Singh @ Sheera had preferred a criminal revision petition before this Court, notice of which was given to respondents.

Learned counsel for the petitioners had made a statement in the Court on 28.11.2017 that he did not dispute the concurrent findings of the Courts below regarding conviction but wanted to make submissions with regard to sentence part.

During the pendency of the petition, the matter is said to have been compromised between the parties. Complainants and injured have appeared in the Court and they have admitted the factum of compromise, copy of which has been placed on record.

As per custody certificates submitted by learned State counsel Jagsir Singh @ Sheera has undergone total sentence of 5 months and 2 days

(including remission), whereas Jassa Singh has undergone 6 months out of total sentence (including remission). They are not shown to be involved in any other criminal case.

In 'Puttaswamy Vs. State of Karnataka and another, 2009 (1) RCR (Criminal) 501', the apex Court has been observed that a non compoundable offence cannot be compounded, but sentence may be reduced if the parties compromise the matter.

In the instant case, Jassa Singh is stated to be aged about 20 years and Jagsir Singh @ Sheera was 32 years at the time of incident. Both of them are stated to be married having families. They are not shown to be involved in any other criminal case. Therefore, the criminal revision petition is accepted partly. Resultantly, the impugned judgments passed by the Courts below are upheld as regards the conviction part. However, with regard to sentence, the same are modified and petitioners are sentenced to imprisonment already undergone by them in this case whereas maintaining the fine part. Since it is stated that petitioner are in custody in this case, so they are ordered to be released immediately, if their custody is not required in connection with any other case.

(H.S. MADAAN)
JUDGE

February 1, 2018

neeraj

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No