

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

Decided on: 26.07.2018

1. CRR No.1735 of 2018 (O&M)

Gurjant Singh and another

....Petitioners

Versus

State of Punjab and others

....Respondent

2. CRR No.987 of 2018 (O&M)

Harbans Singh @ Leela and another

....Petitioners

Versus

State of Punjab

....Respondent

3. CRR No.1708 of 2018 (O&M)

Raj Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Siddharth Gupta, Advocate
for the petitioners (in CRR Nos.1735 and 987 of 2018)

Mr. G.S. Sidhu, Advocate
for the applicant/petitioner (in CRR No.1708 of 2018)

Mr. M.S. Nagra, AAG, Punjab (in all the revision petitions)

ARVIND SINGH SANGWAN, J. (Oral)

The aforesaid criminal revision petitions have been filed
challenging the judgment of conviction and order of sentence dated
15.12.2015 vide which the petitioners were sentence to undergo 03

years rigorous imprisonment and to pay a fine of Rs.4,500/- and in default of payment of fine to further undergo simple imprisonment for a period of 15 days, as well as the judgment dated 08.02.2018 passed by the Lower Appellate Court upholding the judgment of conviction and order of sentence.

On oral request made by counsel for the applicants/petitioners in CRM No.17526 of 2018, the main revision petition i.e. CRR No.1708 of 2018, which is already admitted on 14.05.2018, is taken up today for hearing.

Vide order dated 15.05.2018, the following order was passed by this Court in CRR No.1735 of 2018:-

“Prayer in this petition is for setting aside the judgment of conviction and order of sentence dated 15.12.2015 vide which the petitioners were ordered to undergo three years RI and to pay a fine of Rs.4500/- as well as the judgment dated 08.02.2018 passed by the Lower Appellate Court holding the judgment of conviction/order of sentence.

Notice of motion.

Ms. Samina Dhir, DAG, Punjab, accepts notice on behalf of the State and Mr. P.K.S. Phoolka, Advocate, accepts notice on behalf of respondents No. 2 to 5.

Counsel for the petitioners, at the very outset, submits that the petitioners have compromised the matter with the complainants/victims-Jeet Singh, Gursewak Singh and Lrs of Gurcharan Singh.

On joint request of learned counsel for the parties, the matter was referred to the Mediation and Conciliation Centre of this Court for recording the statements of the parties.

The Mediator has recorded the statement of all the

four victims i.e. Gursewak Singh, Jeet Singh, Jaspal Kaur and Jasvir Kaur. In the statement, it is stated that the matter has been amicably settled between the private respondents and the petitioners alongwith the other remaining co-accused and they have also filed affidavits (Annexure P1 Colly) alongwith the present petition. It is further stated in the statement that petitioner No.1- Gurjant Singh is the uncle of respondents No. 2, 3 and 5 and brother-in-law of respondent No.4 and thus the parties are closely related to each other and in order to maintain peace and harmony, they have effected the compromise. It is further stated that they have not objection if the petitioners and other co-accused, namely, Harbans Singh, Raj Singh and Baldev Singh are discharged in the FIR on the basis of compromise. It is further stated that Gurcharan Singh has expired during the pendency of the proceedings before the trial Court.

The victims have been duly identified by their counsel before the Mediator.

In view of the compromise arrived at between the parties, learned counsel for the petitioners, at the very outset submits that he does not intend to challenge the judgment of conviction passed by the Courts below and prays that the sentence awarded to the petitioners may be reduced to the sentence already undergone by them.

Learned State counsel seeks sometime to file custody certificate.

List again on 28.05.2018.

In the meantime, the sentence of the petitioners be suspended subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/CJM, Bathinda.”

Brief facts of the case are that on the statement of

Gurcharan Singh dated 23.11.2009, the aforesaid FIR was registered

that the complainant with his sons namely Jit Singh and Gursewak Singh were doing agricultural work in their land and the accused persons came at the spot and raised lalkara that the complainant party should be taught a lesson for entering in their land and they caused injuries.

The trial Court after recording the evidence of the prosecution, vide impugned judgment of conviction dated 15.12.2015 held the petitioners guilty for offence punishable under Sections 148, 323, 324, 325 and 149 IPC and sentenced them to undergo rigorous imprisonment for a period of 03 years and to pay a fine of Rs.4,500/- each and in default of payment of fine to further undergo simple imprisonment for a period of 15 days. Thereafter, the petitioners preferred an appeal before the Lower Appellate Court and the same was dismissed vide impugned judgment dated 08.02.2018.

During the pendency of the present revision petitions, a compromise has been effected between the parties as noticed above and the matter was referred to the Mediation and Conciliation Centre of this Court and the parties got their statements recorded and thereafter, vide order dated 28.05.2018, the sentence of the petitioners was suspended.

Even today, parties are *ad idem* that the matter has been compromised between the parties and they are acknowledging the compromise and it is further submitted that the compromise is in favour of both the families as the parties belong to the same village and are in brotherhood and the compromise will ease the tension between the two families as they have decided to bury their dispute and live in peace and harmony.

Further as per the report of the Mediator dated 15.05.2018, the parties i.e. the petitioners as well as the injured/complainants have appeared and have acknowledged the factum of compromise.

A perusal of the report further show that the parties have entered into the compromise voluntarily of their own free will and have decided to put their litigation to an end in order to bring peace and harmony in the family.

In view of the settlement/compromise arrived at between the parties, the counsel appearing for the petitioners as well as counsel for the State and counsel for the complainants have submitted that since the matter has been amicably settled and the parties do not want to proceed their litigation further and they do not have any objection, if the petitioners are acquitted from the aforesaid FIR on the basis of the compromise, the sentence awarded to the petitioners may be reduced to the period already undergone by them.

Counsel for the State has filed the Custody Certificates of the accused/petitioners namely Gurjant Singh, Baldev Singh, Amarjit Singh, Harbans Singh @ Leela and Raj Singh today in the Court and as per the Custody Certificate, the petitioners are not involved in any other case and they have already undergone the following sentence:-

Sr. No.	Name of the Petitioner	Total sentence undergone	Total sentence awarded
1	Gurjant Singh	03 months and 18 days	03 years
2	Baldev Singh	04 months and 01 day	03 years
3	Amarjit Singh	03 months and 18 days	03 years
4	Harbans Singh @ Leela	03 months and 16 days	03 years
5	Raj Singh	04 months and 05 days	03 years

It has been held by the Division Bench of this Court in ***“Sube Singh and another vs State of Haryana and another”***, 2013(4) RCR (Criminal) 102, that where the parties have entered into a valid and legal compromise during the pendency of the revision petition, the sentence awarded to the petitioner can be reduced to the period already undergone, considering the fact that the parties have decided to live in peace.

After hearing counsel for the parties, I find merit in the present revision petitions in the light of the settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court and in view of the report dated 15.05.2018 submitted by the Mediator and in view of ***Sube Singh's case (supra)***, these revision petitions are disposed of and the sentence awarded to the petitioners – Gurjant Singh, Amarjit Singh, Harbans Singh @ Leela, Baldev Singh and Raj Singh, is reduced to the period already undergone by them.

With the aforesaid modification, the aforesaid revision petitions are disposed of.

26.07.2018

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(ARVIND SINGH SANGWAN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No