

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1913-2018 (O&M)
Date of decision: 17.07.2018

Jagtar Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Siddharth Gupta, Advocate
for the petitioners.

Mr. J.P. Ratra, DAG, Punjab.

Ms. Naina Ishar, Advocate
for respondents No.2 to 6.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this revision petition is for setting aside the judgment of conviction and order of sentence of even date i.e. 16.09.2016 passed by the trial Court, vide which the petitioners were convicted under Sections 452, 323, 325 of the Indian Penal Code (for short 'IPC') read with Section 34 IPC and were sentenced to undergo R.I. for two years with a fine of Rs.1,000/- each and in default of payment of fine, they were further ordered to undergo R.I. for 30 days as well as the judgment dated 01.05.2018 passed by the Additional Sessions Judge, vide which the appeal filed by the petitioners was dismissed.

During pendency of the revision petition, notice regarding suspension of sentence was issued and thereafter, the parties have entered into a

compromise and the matter was referred to the Mediation and Conciliation Centre of this Court vide order dated 05.06.2018. The Mediator has recorded the statements of the parties and has submitted the report dated 05.06.2018. As per the report, all the petitioners namely Jagtar Singh, Jhangi Ram and Moti Ram have stated that they have amicably settled the dispute with the legal heirs, respondents No.2 to 6 herein, of victim Mangu Ram, who had died during pendency of the trial, after recording his statement.

The Mediator has also recorded statements of legal heirs of Mangu Ram i.e. his mother Surjit Kaur, his widow Karamjit Kaur, his daughter Gurbinder Kaur and two sons namely Amritpal Singh and Gurkrishan Singh. They have also stated that they have entered into a valid and legal compromise with the petitioners and decided that they will not keep any grudge against each other and in case the petitioners commit any further default against the second party, they will be bound to pay a sum of Rs.1.00 lac as compensation to the legal heirs of the victim. It is further stated that they have no objection if the petitioners are acquitted of the charges levelled against them.

The Mediator has also recorded its satisfaction that the parties have entered into an amicable settlement on their own free will without any pressure or coercion and the compromise is in the interest of both the parties to maintain peace and harmony in the village.

Learned State counsel as well as learned counsel for the complainants/LRs of the victim have also acknowledged the compromise arrived at between the parties before the Mediation and Conciliation Centre of this Court.

In Sube Singh and another Vs. State of Haryana and another,

2013 (4) RCR (Crl.) 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 Mediator dated 05.06.2018, present revision petition is partly allowed. Sentence awarded to the petitioners i.e. 02 years R.I. under Sections 452, 323, 325 IPC read with Section 34 IPC along with a fine of Rs.1,000/- each and in default of payment of fine, to further undergo R.I. for a period of 30 days, vide judgment of conviction and order of sentence dated 16.09.2016, upheld by the Additional Sessions Judge vide judgment dated 01.05.2018, 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 in judicial custody from 01.05.2018, they will be released forthwith, if they are not involved in any other case.

[ARVIND SINGH SANGWAN]
JUDGE

17.07.2018
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No