

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-2106-SB-2011
DATE OF DECISION:-11.04.2019

BALWINDER SINGH @ MAHESHI
AND ANR.

...APPELLANTS...

V.

STATE OF HARYANA

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. G.S. Sidhu, Advocate,
for the appellants.

RAMENDRA JAIN, J. (ORAL)

The appellants in the instant case were booked, tried in case FIR No.175 dated 21.07.2008, held guilty under Sections 323, 324 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for 3 months and fine of ₹500/- each under Section 323/34 IPC, in default, to further undergo simple imprisonment for a period of 15 days and to undergo rigorous imprisonment for six months and to pay fine of ₹500/- each under Section 324/34 IPC. In default, to further undergo simple imprisonment for 15 days each vide judgment of conviction dated 29.07.2011 and order of sentence dated 04.08.2011.

Being aggrieved, appellants approached this Court by way of instant appeal. During its pendency, the parties settled the matter vide compromise dated 09.01.2019 (Annexure A-1).

To ascertain the veracity of the compromise, vide order dated 05.03.2019, parties were directed to appear before the trial court for recording their statements. Pursuant thereto, they appeared and got recorded their statement. Learned Judicial Magistrate Ist Class, Dabwali, has submitted his report vide letter bearing No.162, dated 30.03.2019, duly forwarded by ld. District and Sessions Judge, Sirsa vide letter bearing No.3487 dated 02.04.2019. According to the report, ld. Judicial Magistrate Ist Class, Dabwali, is satisfied that the compromise arrived at between the parties is genuine, voluntary and without any coercion and undue influence and with their own free will.

Since, the compromise will bring peace and harmony in relations between the parties, therefore, the impugned judgment of conviction holding the appellants guilty is upheld. The appeal, to this extent, is dismissed. However, the impugned order dated 04.08.2011 qua order of sentence awarding them imprisonment for 6 months each is reduced to the period already undergone. Fine amount has already been deposited.

Present appeal is disposed of as such.

11.04.2019

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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No