

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-2151-SB-2011
DATE OF DECISION:-11.04.2019

SUKHDEV SINGH AND ANR.

...APPELLANTS...

V.

STATE OF HARYANA

...RESPONDENT...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. P.S. Brar, Advocate,
for the appellants.

Mr. G.S. Sidhu, Advocate,
for the complainant.

RAMENDRA JAIN, J. (ORAL)

The appellants in the instant case were booked, tried in case FIR No.175 dated 21.07.2008, under Sections 323, 325, 307 read with Section 34 IPC, held guilty under Section 307 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for 5 years and fine of ₹50,000/- each. In default, to further undergo rigorous imprisonment for a period of two years, 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/affidavit dated 12.02.2019 (Annexure P-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.161, dated 30.03.2019 duly forwarded by ld. District and Sessions Judge, Sirsa vide letter bearing No.3488 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 5 years each is reduced to the period already undergone. Fine amount is also waived off.

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