

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 27.09.2019

1. CRA-S-47-SB-2005 (O&M)

Jagjit Singh and another

... Appellants

Vs.

State of Punjab

... Respondent

2. CRA-S-115-SB-2005 (O&M)

Bikkar Singh and others

... Appellants

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Surinder Garg, Advocate,
Mr. Narinder Singh, Advocate,
Ms. Swati Batra, Advocate (legal aid counsel)
for the appellants.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This order shall dispose of the aforementioned two appeals filed by
two sets of accused-appellants, as it is a case of version and cross-version.

On 01.05.2018, a legal aid counsel was appointed in both the

appeals to assist the Court and explore possibilities of settlement between the parties.

Brief facts of the case are that FIR No.31 dated 31.03.2002 was registered under Sections 325, 323, 34 IPC at Police Station Gidderbaha, on the statement of Gurdev Singh that he along with his son Jagjit Singh were standing in front of house of his brother Inder Singh and in the meantime, accused persons namely Bikkar Singh, Sona Singh, Balkaran Singh, Birbal Singh and Darshan Singh came there and caused injuries to him. Thereafter, on completion of the investigation, challan was presented against these accused persons and the trial Court vide judgment of conviction dated 09.11.2004 held the accused persons namely Bikkar Singh, Sona Singh and Darshan Singh, guilty for the offence punishable under Sections 307, 323, 324, 34 IPC and vide order of sentence of even date, they were sentenced to undergo R.I. for a period of six years with a fine of Rs.1,000/- each and in default of payment of fine, to further undergo R.I. for a period of two months.

In the cross-version of FIR No.31, Surjit Singh, Nachhattar Singh, Jagjit Singh and Gurdev Singh faced trial, on a complaint given by Darshan Singh. The trial Court held accused-appellants Gurdev Singh and Jagjit Singh guilty of the offence punishable under Sections 325, 323, 34 IPC, vide judgment of conviction dated 09.11.2004 and vide order of sentence of even date, they were sentenced to undergo R.I. for a period of four years and to pay a fine of Rs.1,000/- each and in default of payment of fine, to further undergo R.I. for a period of two months.

During pendency of the appeals, sentence of appellants Jagjit Singh and Gurdev Singh, in CRA-S-47-SB-2005, was suspended vide order dated

07.01.2005 and that of appellants Sona Singh and Darshan Singh was suspended vide order dated 07.03.2005, whereas sentence of appellant Bikkar Singh was suspended on 27.10.2005.

It is worth noticing here that during pendency of the appeals, appellant No.2 Gurdev Singh, in CRA-S-47-SB-2005, and appellant No.3 Darshan Singh, in CRA-S-115-SB-2005, have died and the appeals qua them stand abated. The photocopies of death certificates of both these appellants are taken on record.

On 25.09.2019, the parties represented that they have compromised the matter and the case was referred to the Mediation and Conciliation Centre of this Court for recording their statements. The Mediator has recorded statements of appellants Jagjit Singh, Sona Singh and Bikkar Singh. As per the statements, the appellants in both the appeals have settled their inter-se dispute and undertaken that they will not file any other litigation against each other. It is also settled that since all the parties, in both the appeals, are from the same village and are neighbours, therefore, in order to maintain peace and harmony amongst the brotherhood, they have decided to resolve their dispute and have no objection if the appeals are decided in terms of the compromise/settlement effected between them.

In Sube Singh and another Vs. State of Haryana and another, 2013 (4) RCR (CrI.) 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, which is pending since 2004 and in the intervening period, they have not repeated any offence and have maintained peace and harmony and further decided to live in peace, both these appeals are partly allowed. The sentence awarded to the appellants by the trial Court vide judgment of conviction and order of sentence dated 09.11.2004, is modified to the extent that the same is reduced to the period already undergone by them.

Since sentence of the appellants already stands suspended, their bail/surety bonds shall stand discharged.

[ARVIND SINGH SANGWAN]
JUDGE

27.09.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No