

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-35901-2019 in/and
CRA-S-1210-2017 (O&M)
Date of Decision:- 12.12.2019

Jaswinder Singh @ Fateh Singh ... Appellant

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Krishan Sehajpal, Advocate,
for the appellant.

Ms. Rashmi Attri, AAG, Punjab,
assisted by SI Major Singh.

Mr. Shivender Sharma, Advocate, for respondents No.2 and 3.

GURVINDER SINGH GILL, J. (Oral)

1. The appellant, who had been convicted by the Court of learned Additional Sessions Judge, Fatehgarh Sahib for having committed offences punishable under Section 363 and 366 IPC has filed this appeal challenging his conviction for the said offences.

2. During the pendency of this appeal, an application under Section 320 Cr.P.C. was filed seeking permission to compound the offences on the basis of the compromise (Annexure A-1).
3. Vide order dated 26.11.2019, the appellant as well as respondents No.2 and 3 i.e. Satish Kumar Gupta and Anisha @ Anisha Kaur were directed to appear before the Illaqa Magistrate/Trial Court so as to get their statements recorded qua the factum of compromise.
4. Report of learned Sub Divisional Judicial Magistrate, Amloh, has been received to the effect that the statements of complainant Satish Kumar as well as of his daughter namely Anisha and also of the appellant/accused Jaswinder Singh have been recorded. The complainant stated to the following effect:

“Stated that I got register FIR No.211 dated 6.8.2014 under Section 363/366 IPC, at PS Mandi Gobindgarh for kidnapping my daughter namely Jaswinder Singh @ Fateh Singh. My daughter Anisha had love affair with Jaswinder Singh @ Fateh Singh and she went with him to perform the marriage against my wishes now I solemnized the marriage of my daughter Anisha with Jaswinder Singh @ Fateh Singh on 18.7.2017 and out of wedlock one daughter namely Jannat Kaur born. I am happy with marriage of my daughter Anisha with the Jaswinder Singh @ Fateh Singh they are living happily as husband and wife. I have no objection if the conviction of the Jaswinder Singh @ Fateh Singh is set-aside by the Hon’ble Punjab & Haryana High Court Chandigarh. I have compromised the matter with the Jaswinder Singh @ Fateh Singh, so that my daughter can live happy married life in future with Jaswinder Singh @ Fateh Singh.”

5. Similarly Anisha w/o Jaswinder Singh @ Fateh Singh admitted the factum of compromise and stated as follows:

“Stated that my father Satish Kumar Gupta got registered FIR No.211 dated 6.8.2014 under Section 363/366 IPC, at PS Mandi Gobindgarh for kidnapping by Jaswinder Singh @ Fateh Singh. I had love affair with Jaswinder Singh @ Fateh Singh and I went with him to perform my marriage against my wishes of my parents now I solemnized my marriage with Jaswinder Singh @ Fateh Singh on 18.7.2017 and from our wedlock one daughter namely Jannat Kaur was born. I am happy with my marriage with the Jaswinder Singh @ Fateh Singh and we are living happily as husband and wife. I have no objection if the conviction of the Jaswinder Singh @ Fateh Singh is set-aside by the Hon’ble Punjab & Haryana High Court Chandigarh. I have compromised the matter with the Jaswinder Singh @ Fateh Singh, so that my daughter can live happy married life in future with Jaswinder Singh @ Fateh Singh.”

6. Appellant-Jaswinder Singh as well as Anisha are present in Court. Upon a query made by this Court, Anisha has categorically stated that she has solemnized marriage with the appellant-Jaswinder Singh and wishes to reside with him.
7. Keeping in view the aforesaid statements, it is apparent that the matter has been amicably resolved amongst the parties and they are residing as husband and wife and they have also been blessed with a child. Keeping in view the aforesaid circumstances, this Court is of the opinion that the appellant needs to be afforded with a chance to lead happy married life with his wife rather than forcing him to live as a convict particularly keeping in view the future of his wife and the minor child. In any case even the complainant does not have any objection for the same and has stated that he has himself taken the step to get the marriage solemnized in view of the future of her daughter.

8. In view of the aforestated circumstances, application No.CRM-35901-2019, under Section 320 Cr.P.C. is accepted and the parties are permitted to compound the offences. Consequently, the appeal i.e. CRA-S-1210-SB-2017 (O&M) is taken on Board and the impugned judgment dated 15.9.2015 is hereby set aside and the appellant is ordered to be acquitted of all the charges framed against him. The application and the appeal stand accepted in the above mentioned terms.

December 12, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No