

**215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision : 09.12.2019

**1. CRM-22843-44-2019 in/and
CRA-S-3135-SB-2015 (O&M)**

Gurdial Singh and others Appellants

versus

State of Punjab Respondent

2. CRA-S-3512-SB-2015 (O&M)

Dalbir Singh @ Kala Appellant

versus

State of Punjab Respondent

3. CRR-3733-2015 (O&M)

Bhupinder Singh @ Bhinda Petitioner

versus

State of Punjab and others Respondents

4. CRA-AD-154-2015 (O&M)

Dalbir Singh @ Kala Appellant

versus

Bhupinder Singh and others Respondents

5. CRA-D-1162-DB-2016 (O&M)

State of Punjab Appellant

versus

Dalbir Singh @ Kala and others Respondents

6. CRM-M-47835-2019 (O&M)

Sukhwinder Singh Petitioner

versus

State of Punjab and another Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MR.JUSTICE LALIT BATRA**

Present : Mr. Rishu Mahajan, Advocate
for the appellants (CRA-S-3135-SB-2015).

Mr. Ankur Bansal, Advocate
for the appellant (CRA-S-3512-SB-2015)
for the petitioner (CRM-M-47835-2019)

Mr. Shaurya Puri, Advocate for
Mr. P.S.Ahluwalia, Advocate
for the petitioner (CRR-3733-2015).

None for the appellant (CRA-AD-154-2015).

Mr. H.S.Sullar, DAG, Punjab
(CRA-D-1162-DB-2016).

AJAY TEWARI, J. (Oral)

1 This order shall dispose of above mentioned appeals and criminal revision. Since common questions of law and facts are involved therein, they are being decided by this common order.

2 Appeals bearing **CRA-S-3135-SB-2015 and CRA-S-3512-SB-2015** have been filed against the judgment and order dated 08.07.2015 passed by the learned Additional Sessions Judge, Jalandhar by which the appellants had been convicted under Sections 307, 324, 148 and 149 IPC and under Section 27 of the Arms Act and sentenced to undergo rigorous imprisonment of five years along with fine. The

application bearing CRM-22843-2019 has also been filed in this appeal for compounding of offence in view of the compromise annexed as Annexure A-1.

3 **CRR-3733-2015** has been filed against the aforesaid judgment praying that adequate sentence has not been imposed upon the accused-appellants.

4 **CRA-D-1162-DB-2016** has been filed by the State against the aforesaid judgment praying for severe punishment to the accused-appellants.

5 **CRA-AD-154-2015** has been filed against the aforesaid judgment challenging the acquittal of respondents No.1 to 7.

6 **CRM-M-47835-2019** has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.171 dated 12.11.2009 registered under Sections 307, 148, 149, 506 IPC 1860 and Sections 25, 27, 54 and 59 of Arms Act, 1959 at Police Station Kartarpur, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties and on the ground that no injury was caused by the present petitioner.

7 On 03.09.2019, the following order was passed in **CRM-22843-2019 in CRA-S-3135-SB-2015 :-**

“This is an application for compounding of the offence in view of the compromise annexed as Annexure A-1.

Notice of the application.

Mr. Dilpreet S. Takkar, Advocate and Mr. Sandeep Vermani, Addl. A.G., Punjab has entered appearance on behalf of the complainant and State respectively and accept notice of the application.

Counsel for the applicant undertakes to supply a copy of the application to both the counsel during the course of the day.

It has been stated that out of the incident in question CRA-S- 3512-SB-2015, CRM-A-1841-MA-2015, CRR-3733-2015, CRA-AD-154-2015 and CRA-D-1162-DB-2016 were filed.

Registry is directed to list all these cases together in motion hearing alongwith this instant appeal on the next date of hearing after informing concerned counsel, if any.

Adjourned to 24.9.2019.”

8 Thereafter, the report of the Addl. Sessions Judge, Jalandhar dated 19.11.2019 has been received wherein it has been mentined that :-

“ xxx

....it is clear that both the parties voluntarily entered into compromise without any kind of undue influence and coercion and no criminal proceedings are pending against either of the parties as per the statements of the parties.

xxx”.

9 Learned Deputy Advocate General, Punjab has also accepted this fact.

10 In view of the facts and circumstances of the case, we deem it appropriate to reduce the sentence of the appellants to the period which they have already undergone in **CRA-S-3135-SB-2015 and CRA-S-3512-SB-2015**. Appeals bearing **CRA-S-3135-SB-2015 and CRA-S-3512-SB-2015** stand disposed off.

11 Consequently, CRM-M-47835-2019 also stands allowed. The FIR is quashed qua petitioner-Sukhwinder Singh.

12 In view of the orders passed in the aforesaid appeals and petition, the petition bearing No.*CRR-3733-2015* and appeals bearing No.*CRA-AD-154-2015 and CRA-D-1162-DB-2016* are dismissed as having been rendered infructuous.

13 Since the main cases have been decided, the pending C.M. Applications, if any, also stand disposed of.

(AJAY TEWARI)
JUDGE

(LALIT BATRA)
JUDGE

09.12.2019
pooja sharma-I

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No