

CRM-24936-2019 in/and
CRM-M-32292-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-24936-2019 in/and
CRM-M-32292-2018
Date of Decision: 03.09.2019

Simarpal Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jasraj Singh, Advocate,
for the applicant-petitioner.

Mr. Rajat Bansal, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

CRM-24936-2019

On 25.07.2019, the following order had been recorded:-

“Pursuant to the order of this Court dated 22.11.2018, the report of the learned Additional Sessions Judge, Hoshiarpur, (trial Court) dated 02.01.2019, has been received, wherein it is stated that the statement of respondent no. 2, (i.e. the complainant, Joginder Singh), was recorded to the effect that the matter had been compromised with those whom he had arraigned as accused in the complaint filed by him before that Court, of his free will, voluntarily, without pressure and coercion.

It is further stated in the report that Balwinder Singh (stated to be an injured person), i.e. the brother of Joginder Singh, had also suffered a statement to the same effect.

The statement of one of the accused subsequently acquitted, i.e. Surjit Singh, was also recorded to the effect that a compromise had been effected between the parties.

Lastly, it has been stated in the report of the learned Additional Sessions Judge, that, however, one of the accused, Saranpreet Singh, who was convicted and sentenced by his predecessor Court, vide a judgment dated 03.01.2017 (pursuant to the complainant which is now sought to be quashed), has filed CRA-S-170-SB-2017 before this Court, which is stated to be still pending.

However, learned counsel for the petitioner, pursuant to the order passed by a co-ordinate Bench on 02.07.2019 in this petition, has produced in Court today a photocopy of the death certificate of one Sanpreet Singh (shown to be the husband of Rajinder Kaur and son of Rachpal Singh), showing that he has passed away on 27.03.2019.

He further submits that as a matter of fact the appellant in the aforesaid appeal is Sanpreet Singh and not Saranpreet Singh.

Though obviously, as per the report of the learned Additional Sessions Judge, the complainant has no grievance against the petitioner and therefore as a matter of fact the complaint can be quashed qua him, yet, in view of the fact that a co-ordinate Bench had directed that the death certificate in respect of Sanpreet Singh/Saranpreet Singh be placed on record, learned counsel for the petitioner would do the needful.

Adjourned to 02.08.2019, with the case file of CRA-S-170-SB-2017 to be also put up along with the present case, to determine as to who actually the appellant in that case.”

Thereafter, on 29.08.2019, the following order had been recorded:-

“Learned counsel for the petitioner submits that as regards the single person who was convicted for the commission of offence punishable under Section 380 of the IPC (i.e. Saranpreet Singh who has filed CRA-S-170-SB-2017, against his conviction), he has died with the role attributed to him being given a kirpan blow on the head of Balwinder Singh other than two blows with the kirpan on his right side whereas the role attributed to the petitioner is 2 kirpan blows on the non-vital part of the body with all other accused including Surjit Singh and Rachhpal Singh who have also been attributed similar role, have been acquitted and no appeal has been filed against their acquittal. He, therefore, submits that the complaint deserves to be quashed qua him with the matter having been compromised between the parties and statements to that effect have also been recorded in the Court.

Learned counsel for the complainant not being present, adjourned to 3.9.2019.

Interim order to continue.

Be shown in urgent list.”

Today, the case file of CRA-S-170-SB-2017, titled as **Saranpreet Singh** vs. **State of Punjab and others**, has also been put up, with learned counsel for the applicant-petitioner also having filed the present application, i.e. CRM-24936-2019 in the present petition, by which he seeks to place on record a copy of the death certificate as regards the death of Sanpreet Singh son of Rachhpal Singh and Gurcharan Kaur, with the name of the appellant in CRA-S-170-SB-2019, as per the memo of parties in that appeal, shown to be Saranpreet Singh, son of Rachhpal Singh, resident of Village Ushman Shahid, Police Station and Tehsil, Dasuya, District Hoshiarpur, the address on the death certificate also being the same.

The death certificate is shown to be issued on 16.07.2019, with the date of death shown to be 27.03.2019.

The said application is allowed, with the death certificate ordered to be taken on record as Annexure P-8 and a copy thereof is also directed to be placed on record on the case file of the aforesaid appeal.

CRM-M-32292-2018

The report of the learned trial Court (Additional Sessions Judge, Hoshiarpur), dated 02.01.2019, is already on record as stated in the previous orders, with the opinion of that Court being that the compromise entered into between the petitioner herein, (i.e. accused Simarpal Singh), and the complainants and the injured (i.e. respondents no.2 & 3 herein), seems to be of their own free will without any pressure or coercion.

The injuries inflicted by the petitioner are stated to be one grievous injury and one simple injury on the person of respondent no. 3, i.e. Balwinder Singh, and two simple injuries on the person of respondent no. 2, Joginder Singh, with the injury as regards the commission of an offence punishable under Section 308 of the IPC having been attributed to the late accused Saranpreet Singh @ Sanpreet Singh, i.e. the appellant in CRA-S-170-SB-2019.

Though the allegation against the petitioner is that he attacked respondents no. 2 and 3 with a '*Kirpan*', causing the aforesaid injuries upon them, however, with the two other co-accused of the petitioner, i.e. Surjit Singh and Rachhpal Singh, also having been acquitted by the trial Court in the trial in which the aforesaid Saranpreet Singh was convicted for the commission of an offence punishable under Section 308 of the IPC, and the matter having been compromised between the complainant and the two injured persons, the petition is allowed, with

Complaint No. 5 of 2009 dated 24.09.2019, instituted against the petitioner by respondent no. 2 hereby quashed, along with all proceedings emanating therefrom.

September 03, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.