

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR-2312-2011 (O&M)

Date of decision: 06.05.2019

Satbir and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Kushagra Beniwal, Advocate for
Mr. NS Shekhawat, Advocate for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Shubhankar Baweja, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Pursuant to the order dated 01.04.2019, the original receipts qua deposit of ₹50,000/-have been produced in Court today. The same are taken on record. Be tagged at the appropriate places.

Through instant revision, petitioners, namely; Satbir, Raj Kumar and Hukam Singh, have laid challenge to judgment dated 14.09.2011 of the Ist Appellate Court, whereby appeal filed by the petitioners against the judgment of conviction and order of sentence dated 06.01.2010 of the trial Court, was partly allowed, upholding their conviction under Sections 452, 323 and 506 read with Section 34 IPC, whereas order of sentence of even date was modified as under:-

Under Section 452 IPC	To undergo simple imprisonment for a period of one year each instead of three years, as awarded by the trial Court.
Under Section 323 IPC	To undergo simple imprisonment for a period of six months each instead of one year, as awarded by the trial Court.

Under Section 506 IPC	To undergo simple imprisonment for a period of six months each, instead of one year, as awarded by the trial Court.
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Fine clause was ordered to remain intact.

Briefly, petitioners were booked and tried in case FIR No. 240 dated 31.08.2001 registered under Sections 323, 452 and 506 IPC. After holding trial, vide judgment of conviction and order of sentence dated 06.01.2010, they were convicted under Sections 452, 323 and 506 read with Section 34 IPC and sentenced as under:-

Under Section 452 IPC	To undergo simple imprisonment for a period of three years and to pay a fine of Rs.100/ each. In default thereof, to further undergo simple imprisonment for a period of one month.
Under Section 323 IPC	To undergo simple imprisonment for a period of one year and to pay a fine of Rs.100/ each. In default thereof, to further undergo simple imprisonment for a period of one month.
Under Section 506 IPC	To undergo simple imprisonment for a period of tone year and to pay a fine of Rs.100/ each. In default thereof, to further undergo simple imprisonment for a period of one month.

All the sentences were ordered to run concurrently.

Being aggrieved, the petitioners approached the Ist Appellate Court, by way of appeal against their conviction, which was partly allowed in the manner as narrated in the opening part of the judgment.

Petitioners have filed CRM-4496-2019, for compounding of offence, on the basis of compromise deed (Annexure P-3).

Learned counsel submits that the petitioners have been facing an ordeal for the last around 19 years, inasmuch as, after registration of FIR in the year 2001, a protracted criminal trial has been hanging on their head like a damocle's sword which is also a mitigating circumstance to treat them leniently.

bar, that he has no objection, in compounding the offences and acquittal of all the petitioners.

Keeping in view the compromise arrived at between the parties, necessary permission to compound the offence is granted.

Since, the parties have arrived at a compromise and that the same would bring peace and harmony in their relations, this Court is of the view that no useful purpose would be served by keeping the petitioners behind bars any more, inasmuch as, they have already faced a protracted trial for around 19 years suffering great mental agony. More so, all the offences are compoundable under Section 320 Cr.P.C., therefore, the aforesaid application as well as the main revision is accepted. The petitioners are acquitted of charges framed against them by virtue of sub-section 8 of Section 320 Cr.P.C.

The petitioners be set at liberty, at once, if, not required in any other case.

May 06, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No