

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

CRM-M-1483-2019 (O&M)

Date of decision: 30.01.2020

Iqbal Singh @ Pali and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. K.S. Brar, Advocate for the petitioners.

H.S. MADAAN, J. (Oral)

CRM-3571-2020

This is an application for placing on record order dated 08.01.2019 passed in CRM-M-168-2019. Heard. Allowed. Order be taken on record.

Main Case

Accused Iqbal Singh @ Pali, Baldal, Guradit Singh, Babardeep Singh @ Babbra, Sandeep Singh @ Sandeep Kumar, Jagsir Singh and Balwinder Singh @ Bindra faced trial by Judicial Magistrate Ist Class, Bathinda in FIR No.77 dated 05.12.2013 for offences under Sections 307, 326, 341, 324, 323, 506, 452, 148 and 149 IPC, registered with Police Station Nandgarh.

During the course of proceedings, Babardeep Singh @ Babbra had expired and proceedings against him stood abated. Learned

Trial Magistrate, vide judgment dated 29.10.2018 convicted accused Badal Singh, Balwinder Singh, Jagsir Singh, Guradit Singh and Iqbal Singh under Sections 148, 323, 324, 325, 326 read with Section 149 IPC and sentenced them as follows, vide order of even date:-

Name of accused	Section	Sentence	In default of payment of fine
Badal Singh, Balwinder Singh, Jagsir Singh, Guradit Singh and Iqbal Singh	148 IPC	To undergo RI for a period of 03 years and to pay fine of Rs.500/-.	To further undergo RI for 15 days
	326 IPC r/w Section 149 IPC	To undergo RI for a period of 03 years and to pay fine of Rs.1000/-.	To further undergo RI for 15 days
	325 IPC r/w Section 149 IPC	To undergo RI for a period of 03 years and to pay fine of Rs.500/-.	To further undergo RI for 15 days
	324 IPC r/w Section 149 IPC	To undergo RI for a period of 03 years	
	323 IPC and 323 r/w Section 149 IPC	To undergo RI for a period of 01 year.	

All the sentenced were ordered to run concurrently.

Feeling aggrieved by the said judgment of their conviction and sentence, they have preferred an appeal to the Court of Sessions at Bathinda, which is stated to be pending. In the meanwhile, the parties are said to have arrived at a compromise. A petition under Section 482 Cr.P.C. for quashing of the FIR for the said reason has been filed.

Keeping in view the facts and circumstances of the case, the petitioners/accused are relegated to the remedy of approaching the Ist

Appellate Court bringing to its notice that the matter has been compromised between the parties. The Ist Appellate Court on being satisfied that in fact, it has been so done, may proceed in accordance with law. If, the Ist Appellate Court comes to the conclusion that conviction of the accused by the lower Court is not sustainable, then, it may set aside the judgment of conviction and order of sentence. However, if it concludes that conviction of the petitioners/accused was justified, then, it may take a lenient view in the matter with regard to sentence.

Disposed of.

30.01.2020
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(H.S. MADAAN)
JUDGE

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