

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

Date of decision: 24.02.2020

1. CRA-S-962-SB-2007 (O&M)

Avtar Singh and others

... Appellants

Vs.

State of Punjab

... Respondent

2. CRA-S-1029-SB-2007 (O&M)

Avtar Singh and others

... Appellants

Vs.

State of Punjab

... Respondent

3. CRA-S-526-SB-2016 (O&M)

Talwinder Singh @ Bind

... Appellant

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

**Present: Mr. Vikas Bahl, Advocate
for the appellant (in CRA-S-962-SB-2007).**

**Mr. A.P.S. Mann, Advocate
for the appellant (in CRA-S-1029-SB-2007).**

Mr. M.S. Batth, Advocate
for the appellant (in CRA-S-526-SB-2016).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

Since a compromise has been effected between the parties, all these three appeals are being decided together, vide this common order.

Prayer in CRA-S-962-SB-2007, filed by appellants Avtar Singh, Balbir Singh, Amrik Singh, Gurmukh Singh, Dalbir Singh and Amarjit Singh, is for setting aside the judgment of conviction dated 25.04.2007, vide which they were convicted for the offence punishable under Sections 148, 324, 323, 149, 325 of the Indian Penal Code (for short 'IPC') as well as the order of sentence of even date i.e. 25.04.2007, vide which appellants Avtar Singh, Amrik Singh, Dalbir Singh and Amarjit Singh were sentenced to undergo rigorous imprisonment for a period of two years and appellants Balbir Singh and Gurmukh Singh were sentenced to undergo rigorous imprisonment for a period of three years along with a fine of Rs.1,000/- each and in default of payment of fine, they were further ordered to undergo simple imprisonment for a period of three months.

Prayer in CRA-S-1029-SB-2007, filed by appellants Avtar Singh, Joginder Singh, Sohan Singh, Sarbjit Singh @ Raju, Parminder Singh and Ranjit Singh, is for setting aside the judgment of conviction dated 25.04.2007, vide which they were convicted for the offence punishable under Sections 307, 148, 323, 324 read with Section 149 IPC as well as the order of sentence of even date i.e. 25.04.2007, vide which appellant Avtar Singh was sentenced to undergo rigorous imprisonment for a period of five years along with a fine of

Rs.3,000/- and in default of payment of fine, he was further ordered to undergo R.I. for a period of three months, whereas appellants Joginder Singh, Sohan Singh, Sarbjit Singh @ Raju, Parminder Singh and Ranjit Singh were sentenced to undergo rigorous imprisonment for a period of three years along with a fine of Rs.1,000/- each and in default of payment of fine, they were further ordered to undergo R.I. for a period of one month.

Prayer in CRA-S-526-SB-2016, filed by appellant Talwinder Singh @ Bind, is for setting aside the judgment of conviction and the order of sentence dated 30.01.2016, vide which he was convicted for the offence punishable under Sections 148 & 324 read with Section 149 IPC was sentenced to undergo rigorous imprisonment for a period of two years along with a fine of Rs.4,000/- each and in default of payment of fine, he was further ordered to undergo simple imprisonment for a period of six months.

It is relevant to note here that sentence of all the appellants was suspended vide separate orders passed by this Court.

During pendency of all these appeals, the parties have arrived at a settlement/agreement before the Mediation and Conciliation Centre of this Court, as they belong to the same village. Clause 6 of the settlement/agreement reads as under: -

“(a) That the first party will have no objection in allowing the appeals filed by second party for their acquittal or for reducing the sentence of the second party to already undergone and the criminal revision filed by them will be withdrawn.

(b) That the second party will have no objection in allowing the appeal filed by first party for their acquittal or for reducing the

sentence of the first party to already undergone and the criminal revision filed by them will be withdrawn.

(c) This compromise has been reached between the parties without any pressure and both the parties have very happily agreed to abide by the terms and conditions of the agreement. Both the parties shall be bound with the terms and conditions of this compromise.”

Learned counsel for the appellants, in all the appeals, have submitted that it is a case of version and cross-version, wherein the parties have entered into a valid compromise, which is duly signed by all the persons and they have been identified by their respective counsels and the Mediator has recorded his satisfaction that the parties, without any pressure, have entered into a compromise with mutual understanding, in order to maintain harmony in the relationship and between the parties and their co-villagers, who are living happily in the village. It is further submitted that the incident pertains to 08.09.2003 and since then, no such untoward incident has happened between the parties and they are living in peace and harmony and the incident had occurred on account of sudden provocation, in which both the parties suffered injuries. It is also submitted that some of the appellants are now senior citizens and good sense has prevailed amongst both the families and they have resolved their inter-se dispute.

Learned counsel for the appellants, in all the appeals, have relied upon a judgment in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) RCR (CrI) 102**, wherein a Division Bench of this Court has held that even after conviction, if the parties have settled the dispute amicably

and have decided to live in peace and harmony, this Court, in exercise of powers under Section 482 Cr.P.C, can compound the offence.

Learned counsels have also relied upon Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, wherein it is held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court feel that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Considering the fact that the parties have decided to bury their inter-se dispute and further decided to live in peace and also in view of the Division Bench judgment of this Court in **Sube Singh's** case (supra), all these appeals are partly allowed. While upholding the judgment of conviction, sentence awarded to the appellants by the trial Court is reduced to the period already undergone by them.

Since sentence of all the appellants already stands suspended by this Court, their bail/surety bonds shall stand discharged.

[**ARVIND SINGH SANGWAN**]
JUDGE

24.02.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No