

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

CRM-M-52441-2019 (O&M)
Date of decision: 20.01.2020

Gurwinder Singh and another
Versus
...Petitioners

State of Punjab and others
...Respondents

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

Present: Mr. APS Srawaan, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. A.S. Sandhu, Advocate for
Mr. Hardeep Singh, Advocate
for respondents No.2 & 3.

H.S. MADAAN, J. (Oral)

Gurwinder Singh and Surjit Singh accused in FIR No.36 dated 28.04.2015 for offences under Sections 326, 323, 324 and 34 IPC, registered at Police Station Arniwala, District Fazilka, faced trial by Judicial Magistrate Ist Class, Fazilka, who vide judgment dated 19.08.2017, convicted them for offences under Sections 323, 324, 326 read with Section 34 IPC, sentencing them as follows:-

Sr. No.	U/ss	Sentence	Fine	In default of payment of fine
1	326 IPC r/w 34 IPC	SI for two years each	Rs.2000/- each	SI for four months each
2	324 IPC r/w 34 IPC	SI for one year each	Rs.1000/- each	SI for two months each

Sr. No.	U/ss	Sentence	Fine	In default of payment of fine
3	323 IPC r/w 34 IPC	SI for six months each	Rs.500/- each	SI for one month each

The sentences were ordered to run concurrently.

Feeling aggrieved, both the accused/convicts have preferred an appeal to Court of Sessions and now it is pending in the Court of Sh. Sandeep Singh Jossan, Addl. Session Judge, Fazilka. During the pendency of the appeal, the parties have entered into a compromise. Offence under Section 326 IPC is non compoundable and the parties have entered into compromise after passing of judgment by the Trial Magistrate. As such, they are relegated to the remedy of approaching the Ist Appellate Court, who may satisfy itself regarding the genuineness of the compromise and that it had been arrived at between the parties voluntarily, without any threat or coercion and at the time of conclusion, if it finds that judgment passed by the Trial Magistrate is not to be interfered with, then, it may take lenient view in the matter with regard to the sentence.

Disposed of.

20.01.2020

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(H.S. MADAAN)
JUDGE

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