

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

**CRA-S-1101-SB of 2007 (O&M)
DATE OF DECISION :- August 23, 2022**

Lachhman Singh and others

...Appellants

Versus

State of Punjab

...Respondent

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

Present:- Mr. Narinder Lucky, Advocate for the petitioners.

Mr. G.S. Dhillon, AAG, Punjab.

Lachhman Singh son Gurnam Singh, aged about 74 years, Malkiat Singh son of Lachhman Singh, aged 48 years, Ajit Singh son of Lachhman Singh, aged about 46 years and one Jagjit Singh son of Shingara Singh, all residents of Village Rasulra, District Ludhiana were tried by Additional Sessions Judge (Adhoc), Fast Track Court, Ludhiana in a case bearing F.I.R No. 130 dated 5.7.2003 for offences under Sections 307,323,325,506/34 IPC registered with Police Station Sadar Khanna on the allegations that on 29.6.2003 at about 10.15 P.M, in the area of Village Rasulra in furtherance of their common intention all the accused voluntarily caused hurt to Mewa Singh. Accused Lachhman Singh armed with a Kulhari hit on the left side of head of Mewa Singh whereas Jagjit Singh gave a danda blow to Mewa Singh hitting him on left eye, Malkiat Singh and Jagjit Singh gave fist blows to Mewa Singh. Further all the accused committed criminal intimidation by threatening Mewa Singh to kill him.

On conclusion of trial, vide judgment dated 18.5.2007, the accused were convicted for offences under Sections 307,323/34, 323 and 506 IPC in terms of the order passed on that very date and were sentenced as follows :-

Name of convicts	Under Section	Rigorous Imprisonment
Lachhman Singh	307 IPC	4 years with fine of Rs.2000/- and in default of payment of fine to further undergo RI for two months
Malkiat Singh Ajit Singh & Jagjit Singh	307/34 IPC	4 years with fine of Rs.2000/- and in default of payment of fine to further undergo RI for two months
Jagjit Singh	323 IPC	Six months
Lachhman Singh Malkiat Singh & Ajit Singh	323/34 IPC	Six months

All the accused were sentenced to under rigorous imprisonment for six months under Section 323 IPC and rigorous imprisonment for one year under Section 506 IPC. All the sentences were ordered to run concurrently.

Feeling aggrieved by the judgment of their conviction and order of sentence, the accused convicts have approached this Court by way of filing an appeal, which was admitted for regular hearing and remaining sentence of the appellants were suspended and they were granted bail during pendency of the appeal subject to their furnishing requisite bonds to the satisfaction of Chief Judicial Magistrate, Ludhiana. Now the appeal has come up for final hearing.

I have heard learned counsel for the appellants and learned State counsel besides going through the record.

As per custody certificate placed on record by the State counsel, appellants accused Lachhman Singh has undergone 2 years 13 days of total sentence whereas Malkiat Singh has undergone 1 year 1 month and 2 days, Ajit Singh has undergone 1 year 1 month and 6 days, Jagjit Singh has undergone 1 year 5 months and 15 days.

Learned counsel for the appellants has contended that the appellants accused and the complainant belong to the same village. They have since entered into a compromise resolving to reside in a atmosphere of peace and tranquility. He has placed on record copy of written compromise said to have been entered into between appellants accused and complainant as Annexure P1. Affidavit of complainant injured Mewa Singh has also been enclosed in that regard. It is stated that the parties are related with each other besides being neighbor and to enable to have cordial relations, the compromise be accepted. Affidavits of the appellants have also been placed on record.

Learned State counsel was directed to get the factum of compromise between the parties to be verified. The State counsel on instructions from ASI Avtar Singh states that as per verification carried out the appellants accused and the complainant injured have resolved their differences. Offence Under Sections 307 IPC for which Lachhman Singh has been convicted whereas his co-accused have been convicted for offence under Section 307/34 IPC is non-compoundable. However, considering the fact that the appellant accused Lachhman Singh is now stated to be aged about 88 years, Malkiat Singh 60 years and Jagjit Singh 46 years and the fact that the parties belong to the same village and stated to be closely related to each other, leniency can be shown to the appellants in the matter of

sentence.

Therefore, the appeal is disposed of, inasmuch as the judgment of conviction is upheld as against the appellants, whereas with regard to order of sentence, the same is modified and the sentence of imprisonment awarded to the appellants is reduced to one already undergone by them in this case while keeping the fine part intact. The appellants accused are directed to deposit the amount of fine in the trial Court within a period of one month, failing which learned Chief Judicial Magistrate, Ludhiana shall issue warrants of arrest against them to effect recovery of the amount of fine and in default thereof the appellants to undergo imprisonment.

All pending miscellaneous applications shall also stands disposed of.

(H.S. MADAAN)
JUDGE

August 23, 2022
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No