

CRM-11174-2023 with
IOIN-CRA-S-3242-SB-2011
in/and CRA-S-3242-SB-2011

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101+214 (3 cases)

Date of decision 17.10.2023

1 CRM-11174-2023 with
IOIN-CRA-S-3242-SB-2011 in/and CRA-S-3242-SB-2011

HARMINDER SINGH AND ANR.Appellants

V/S

STATE OF PUNJABRespondent

2. IOIN-CRA-S-3212-SB-2011 in/and CRA-S-3212-SB-2011

INDERPAL SINGHAppellant

V/S

STATE OF PUNJABRespondent

3. IOIN-CRA-S-3270-SB-2011 in/and CRA-S-3270-SB-2011

PARAMPAL SINGH AND OTHERSAppellants

V/S

STATE OF PUNJABRespondent

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Balbir Singh Jaiswal, Advocate
for the applicant(s)-appellant(s)
in CRA-S-3242-SB-2011.

Mr. Harjot Singh Maan, Advocate
for the appellant(s) in CRA-S-3270-SB-2011.

Mr. Keshavam Chaudhari, Advocate and
Mr. Kunal Sharma, Advocate for the appellant(s) in
CRA-S-3212-SB-2011.

Mr. Kamalpreet Bawa, AAG, Punjab.

ALOK JAIN, J.

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1. The present application has been filed under Section 482
Cr.P.C for permitting the parties to compound the offence in view of

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compromise dated 10.10.2014 (Annexure A-2) entered between the parties.

2. Heard.

3. Application stands allowed. Main appeal(s) are taken up for final hearing and disposal.

CRA-S-3242-SB-2011 and other connected cases

1. The present appeal(s) arises out of a cross FIR, whereby, the conviction order passed in the FIR lodged by the present appellant(s) has been set aside on the basis of the compromise (Annexure A-2) vide order dated 08.01.2016 passed in CRA-S-3423-SB-2011. Hence, the impugned conviction order of the present appellant(s) is also prayed to be set aside on the basis of the same compromise.

2. The appeal has been filed by appellant(s) against impugned judgment of conviction and order of sentence dated 01.12.2011 passed by Learned Additional Sessions Judge, (A) Fast Track Court, Amritsar, whereby appellant(s) were convicted and sentenced under Sections 307, 323, 324, 148, 149 of the Indian Penal Code vide impugned judgment dated 01.12.2011 in FIR No. 139 dated 14.09.2006 registered at Police Station Raja Sansi, District Amritsar and were ordered to undergo various sentences maximum being 04 years and fine of Rs. 5,000/- under Section 307 of the Indian Penal Code.

3. The brief facts of the case are that on 13.9.2006 at about 8.30 PM, complainant was going to Bus Stand, Raja Sansi, for taking medicine of his wife. When he reached near the house of his nephew Harpreet Singh @ Happy, many persons were gathered there which included Harminder

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Singh armed with datar, Harpal Singh armed with Kirpan, Parampal Singh armed with sword, Manwinder Singh @ Gullu armed with sword, Jaspal Singh @ Judge armed with dang, Manveet Singh was armed with kirpan and Ranjit Singh also armed with sword. All these persons were abusing Harpreet Singh @ Happy and his friend Ravdeep Singh and Inderpal Singh was also present there. The complainant asked them as to why they are abusing to Harpreet Singh. Upon this, Inderpal Singh Pardhan raised lalkara and Harminder Singh gave a dater blow on the left temple. Inderpal Singh Pardhan asked his companions to kill the complainant. Then, Harpal Singh gave a kirpan blow which hit on the left leg of complainant, as a result of which he fell down and while he was lying on the ground, injuries were caused on his back. Accused also caused injuries to Happy and his friend Hardip Singh. The motive for causing injuries is that the complainant is having litigation with Harminder Singh son of Kuldip Singh. After causing injuries, all the accused ran away from the place of occurrence along with their respective weapons. It is further case of the prosecution that brother of accused Sukhwinder Singh got admitted them in Civil Hospital, Lopoke, where they were medic-legally examined. On these allegations, present case was got registered against the accused.

4. On presentation of challan, copies of documents as required under Section 207 Cr.P.C. were supplied to them and after hearing and perusing the report under Section 173 Cr.P.C. and other documents on record and finding the offence under Section 307 IPC to be exclusively triable by the Court of Sessions, the learned Illaqa Magistrate, committed the case to the Court of learned Sessions Judge, Amritsar for trial.

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5. From the report under Section 173 Cr.P.C and documents on record, the charges were initially framed under Section 307, 326, 323 and 34 IPC which later on were amended on 28.11.2011 and were reframed under Section 307, 326, 323, 148 and 149 of Indian Penal Code to which appellant(s) pleaded not guilty and claimed trial.

6. It is pertinent to mention here that a cross case was also registered against the complainant party under Section 307, 323, 324, 506, 452, 148 and 149 IPC and Section 25/27/54/59 of Arms Act, who entered the house of appellant(s) at night with Kirpan, Gandasias, Pistol and Double Barrel Gun and inflicted various injuries on appellant(s).

7. Both the cases were tried together. After appraisal of the evidence and hearing counsel for the parties, appellant(s) were convicted under Section 307, 326, 323, 148 and 149 IPC vide impugned judgment dated 01.12.2011.

8. During pendency of the instant appeal, a compromise (Annexure A-2) was arrived at between the parties before Daily Lok Adalat, Bench No.1, being held in this Court and a compromise deed (Annexure A-2) was reduced into writing. Both the cross-cases were compromised by the respective parties.

9. A perusal of the compromise deed (Annexure A-2) transpires that with the intervention of the respectables, elders and relatives, compromise was arrived at between the parties, to keep and maintain peace and harmonious atmosphere in the village, and further that the parties may lead peaceful and happy life who are otherwise related to each other, though, distantly. It finds specifically mentioned in the compromise deed

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that parties have no objection in case the appeal(s), are allowed and the judgment of conviction/order of sentence are quashed/ set aside.

10. In view of compromise deed (Annexure A-2) as well as statements of parties recorded before Lok Adalat, the present appeal(s) stands allowed, whereby, impugned judgment of conviction and order of sentence dated 01.12.2011 passed by learned Additional Sessions Judge, (A) Fast Track Court, Amritsar is set aside. However, it is made clear that this Court has not expressed its opinion on the merits of the case.

11. Consequently, the appellant(s) stand acquitted.

12. Bail Bonds/Surety Bonds stands discharged, if any.

(ALOK JAIN)
JUDGE

17.10. 2023
Parul

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