

302 (2 cases)

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

(1) **CRA-S-555-2020 (O&M)**

AMNINDER SINGH AND OTHERS ...Appellants

Versus

STATE OF PUNJAB AND OTHERS ...Respondents

(2) **CRA-S-1103-2020 (O&M)**
Date of decision : 01.05.2023

PARDEEP SINGH AND OTHERS ...Appellants

Versus

STATE OF PUNJAB AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Gopal Singh Nahel, Advocate
for the appellants (in both the cases).

Mr. Harjinder S. Sidhu, A.A.G., Punjab.

Ms. Manpreet Kaur, Advocate
for Mr. Arunjeet Singh Kakkar, Advocate
for respondents No.2 to 9.

HARSH BUNGER, J.

1. By way of this judgment, I shall decide two appeals
CRA-S-555-2020 titled as ***Amninder Singh and others vs State of Punjab and others*** and ***CRA-S-1103-2020*** titled as ***Pardeep Singh and others vs State of Punjab and others***, as the issues involved therein are identical and both arise from a common judgment of conviction dated 27.01.2020 and order of

sentence dated 30.01.2020 passed by the Court of Additional Sessions Judge, Sangrur.

2. Both the present appeals have been preferred against the judgment of conviction dated 27.01.2020 and order of sentence dated 30.01.2020 passed by the Court of Additional Sessions Judge, Sangrur in case FIR No. 50 dated 02.07.2015 registered under sections 307, 452, 323, 324,325, 336, 506, 201, 148,149 IPC and Section 27 of Arms Act, registered at Police Station Sadar Ahmedgarh, District Sangrur.
3. Brief facts of the case giving rise to this prosecution are that on receiving information from Police Station City-I Malerktola regarding admission of Kuldeep Singh son of Harpal Singh, Gunvir Singh son of Avtar Singh, Paranjit Singh son of Harpal Singh, Avtar Singh son of Anokh Singh, Harpal Singh son of Anokh Singh, Jaswant Kaur wife of Harpal Singh, Rajwinder Kaur wife of Avtar Singh and Sahibjot Singh son of Kuldeep Singh residents of village Sarod, in Civil Hospital, Malerkotla due to injuries received by them on their persons in a fight on 02.07.2015, Inspector Harwinderpal Singh, SHO, Police Station Sadar Ahmedgarh along-with other police officials went to Civil Hospital, Malerktola for recording the statements of injured, but the Doctor declared injured Jaswant Kaur and Rajwinder Kaur unfit for making statement and referred injured Kulwant Singh, Harpal Singh, Gunvir Singh and Paranjit Singh to Rajindra Hospital, Patiala for treatment, on which Inspector Harwinderpal Singh alongwith other police officials went to Rajindra Hospital, Patiala where Paranjit Singh, Gunvir Singh,

Harpal Singh and Kuldeep Singh were declared fit for making statement by the Doctor. Inspector Harwinderpal Singh recorded the statement of injured Paranjit Singh son of Harpal Singh resident of Sarod who has stated that he is B.A. and an agriculturist. His father has two brothers and both are married. They have been residing separately with their respective families. They are two brothers i.e. he and Kuldeep Singh. Both are married and have been residing jointly in the same house. His paternal uncle (Taya) has two sons namely Gunvir Singh and Manvir Singh. Manvir Singh has been doing ILETS from Bathinda. A day before that day dated 01.07.2015 at about 3:30 PM, his brother Kuldeep Singh was coming to his house by jeep and on the way Gagandeep Singh son of Bhupinder Singh who was coming by tractor scuffled with him due to non-giving of side. They made his brother understand and came back to their house. At about 6:40 PM, he along-with his father Harpal Singh, brother Kuldeep Singh, mother Jaswant Kaur, wife Sukhpreet Kaur, sister-in-law (bhabi) Mandeep Kaur, nephew Sahibjot Singh, paternal uncle (Taya) Avtar Singh, aunt (Tai) Rajwinder Kaur and cousin Manvir Singh was present in the house. Balvir Singh son of Karnail Singh armed with *12 bore gun*, Bhupinder Singh son of Karnail Singh armed with *sotta*, Jatinder Singh son of Bhupinder Singh armed with *barchha (spear)*, Gagandeep Singh son of Bhupinder Singh armed with *gandasa*, Pardeep Singh son of Binder Singh armed with sharp edged *barchha (spear)*, Tarlochan Singh son of Jangir Singh armed with *stick (sotti)*, Prabhjoit Singh son of Hardial Singh

armed with *stick (sotti)* and Mandeep Singh son of Balvir Singh armed with *barchha (spear)* came in front of their house and Balvir Singh raised *lalkara* by stating that they should not be gone scot free and Balvir Singh shot a fire from his *12 bore gun* towards them with an intention to kill them which hit on the gate of their house. He fired another shot and pellets of the shot hit on his left wrist, left arm, right arm, fingers of his right hand and on the body of his father Harpal Singh, Gunvir Singh and nephew Sahibjot Singh. Sandeep Singh and 7/8 unknown persons threw brick bats inside their house. Brick bats thrown by Sandeep Singh hit on the face of his father, his right hand and left foot of his aunt (*Tai*) Rajwinder Kaur. Then Bhupinder Singh, Jatinder Singh, Gagandeep Singh, Pardeep Singh, Tarlochan Singh and Mandeep Singh came inside their house along-with their respective weapons. Pardeep Singh gave *barchha* blow which hit on his left arm. Gagandeep Singh gave two *gandasa* blows which hit on the left hand of his father Harpal Singh. Jatinder Singh gave *barchha* blow which hit on the abdomen and head of his brother Kuldeep Singh. Bhupinder Singh gave *sotta* blow on the left arm of Kuldeep Singh. Tarlochan Singh gave *Sotti* blow on the back and elbows of Avtar Singh. When his mother Jaswant Kaur came forward to rescue them, accused Jatinder Singh pushed her and she fell down. When they did not stop giving injuries, then his uncle (Taya) Avtar Singh took his licensed rifle .315 bore from inside in order to save them and shot fire in the air. Accused Balvir Singh and others fled away from the place of occurrence along-with their respective weapons.

While fleeing Balvir Singh fired two shots in the air with his gun. In case his uncle (Taya) had not fired with his rifle in the air, the accused persons would have killed them. Thereafter, Lakhwinder Singh, his brother-in-law r/o Naromajra arranged a vehicle and got them admitted in Civil Hospital, Malerkotla from where he, Kuldeep Singh, Harpal Singh and Gunvir Singh were referred to Rajindra Hospital, Patiala. After recording the statement of injured, Inspector Harwinderpal Singh after making his endorsement sent the same to the police station through constable Balwinder Singh for registration of case on the basis of which the abovesaid FIR was registered against the accused persons.

- 4. On completion of the investigation, report under Section 173 Cr.P.C was prepared and presented in the Court.
- 5. All the appellants–accused (in both the appeals) were charge-sheeted for the offences punishable under Sections 307,452,324,325,323,506,201,148,149 of Indian Penal Code and 27 of Arms Act, to which they pleaded not guilty and claimed trial.
- 6. In order to substantiate its case, prosecution examined the following witnesses:

1.	PW-1	<i>Paranjit Singh (complainant)</i>
2.	PW-2	<i>Gunvir Singh injured has also proved the injuries received by him as well as other injured from hands of accused persons.</i>
3.	PW-3	<i>Dr. Karnail Singh, Medical Officer who conducted medico-legal examination of</i>

	<i>injured has produced his affidavit Ex.PW3/A regarding injuries on the person of Harpal Singh, affidavit Ex.PW3/B regarding injuries on the person of Kuldeep Singh, affidavit Ex.PW3/C regarding injuries on the person of Paranjit Singh, affidavit Ex.PW3/D regarding injuries on the person of Gunvir Singh and affidavit Ex.PW3/E regarding injuries on the person of Avtar Singh. He has also proved ;</i> <i>(i) copy of MLR and pictorial diagram Ex.PW3/F regarding injuries on the person of Harpal Singh.</i> <i>(ii) copy of MLR and pictorial diagram Ex.PW3/G regarding injuries on the person of Kuldeep Singh.</i> <i>(iii) copy of MLR and pictorial diagram Ex.PW3/G regarding injuries on the person of Paranjit Singh.</i> <i>(iv) copy of MLR and pictorial diagram Ex.PW3/I regarding injuries on the person of Gunvir Singh.</i> <i>(v) copy of MLR and pictorial diagram Ex.PW3/J regarding injuries on the person of Avtar Singh.</i> <i>He has also proved the bed head tickets of the above named injured Ex.PW3/P to Ex.PW3/T as well as opinion made by him regarding the nature of injuries and the kind of weapons used to cause such injuries on police request Mark A to Mark E vide endsts. Ex.PW3/U to Ex.PW3/Y respectively.</i>
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4.	PW-4	<i>Ashok Kumar, who has brought the record regarding Arm license No. 17/DM/SG/SGR/MLK/97 issued by DC office, Sangrur has proved the arm license Ex.PW4/A issued in the name of Balvir Singh.</i>
5.	PW-5	<i>Dr. Satwinder Kaur, who has conducted the medico-legal examination of Sahibjot Singh son of Kuldeep Singh, Jaswant Kaur wife of Harpal Singh and Rajwinder Kaur wife of Avtar Singh on 01.07.2015 at Civil Hospital, Malerkotla. She has also proved:</i> <i>(i) copy of MLR Ex.PW5/A and pictorial diagram Ex.PW5/B showing the seats of injuries on the person of injured Sahabjot Singh.</i> <i>(ii) copy of MLR Ex.PW5/C and pictorial diagram Ex.PW5/D showing the seats of injuries on the person of injured Jaswant Kaur.</i> <i>(iii) Copy of MLR Ex.PW5/E and pictorial diagram Ex.PW5/F on the person of injured Rajwinder Kaur.</i> <i>She has also proved the bed head tickets of the above said injured as Ex.PW5/G to Ex.PW5/I and endorsements Ex.PW5/J and Ex.PW5/L on police request Mark F to Mark H regarding the nature of injuries on the above named persons.</i>
6.	PW-6	<i>Dr. Deepak Garg, who has conducted the x-ray examination regarding injuries on the person of Kuldeep Singh son of Harpal Singh vide CR No. 32535, Harpal Singh son of Anokh Singh vide CR No. 32536, Paranjit Singh son of Harpal Singh vide CR No. 32538 and Gunvir Singh</i>

		<i>son of Avtar Singh vide CR No. 32537 has given the following x-ray report regarding their injuries.</i>
7.	<i>PW-7</i>	<i>Dr. Gursharan Singh, has proved the endorsements Ex.PW7/E to Ex.PW7/H made by him on the applications Ex.PW7/A to Ex.PW7/D before him by the IO to get his opinion regarding fitness of injured Kuldeep Singh, Gunvir Singh, Harpal Singh and Paranjit Singh on 02.07.2015. He has also proved the endorsements Ex.PW7/I to Ex.PW7/K made by him on police request Ex.PW7/L to Ex.PW7/N produced before him by the Investigating officer to get the opinion regarding fitness of the patient Avtar Singh, Jaswant Kaur and Rajwinder Kaur.</i>
8.	<i>PW-8</i>	<i>Avtar Singh (injured)</i>
9.	<i>PW-9</i>	<i>Harpal Singh (injured)</i>
10.	<i>PW-10</i>	<i>Dr. Yashi, has proved the C.T. Scan report Ex.PW10/A and skiagram Ex.PW10/B conducted by him on the person of Kuldeep Singh son of Harpal Singh on 02.07.2015.</i>
11.	<i>PW-11</i>	<i>Dr. Manjit Singh Sandhu, who has conducted ultrasound of patient Harpal Singh on 02.07.2015 has proved the ultra sound report Ex.PW11/A. He has proved the C.T. Scan report Ex.PW11/B regarding the C.T. Scan conducted by him on the person of Harpal Singh son of Anokh Singh.</i>

12.	PW-12	<i>Shahid Ali Khan, draftsman, has proved the scaled site plan of the place of occurrence Ex.PW12/A prepared by him on 12.09.2015 by visiting the spot.</i>
13.	PW-13	<i>ASI Avtar Singh</i>
14.	PW-14	<i>Dr. Davinder Kumar Gupta, has proved the endorsements Ex.PS/1, Ex.PT/1 and Ex.PU/1 made by him on the police applications Ex.PS, Ex.PT and Ex.PU respectively moved before him on 02.07.2015 to seek the opinion regarding fitness of injured Paranjit Singh, Harpal Singh and Gunvir Singh respectively and he has also proved the bed head tickets Ex.PS/2, Ex.PT/2 and Ex.PU/2 of the treatment of above named injured persons.</i>
15.	PW-15	<i>Inspector Harwinder Pal Singh, Investigating officer</i>
16.	PW-16	<i>HC Paramjit Singh, the then MHC, P. S. Sadar Ahmedgarh, with whom the case property was deposited.</i>
17.	PW-17	<i>Dr.Ridima Sachdeva, has proved the bed head ticket Ex.PW17/A regarding the treatment of Kuldeep Singh son of Harpal Singh resident of village Sarod.</i>
18.	PW-18	<i>HC Mahinder Singh</i>
19.	PW-19	<i>HC Jagroop Singh</i>
20.	PW-20	<i>Mohd. Parvez, who has clicked the photographs has proved the photographs Ex.PW20/P1 to Ex.PW20/P9.</i>

7. After closing the prosecution evidence, statements of accused under Section 313 Cr.P.C, were recorded in which they have denied all the incriminating evidence of prosecution put to them and pleaded their innocence.
8. The appellants-accused pleaded that in fact on 01.07.2015 at about 6:30 PM, when accused Balvir Singh along-with his brother Bhupinder Singh was coming back from his field and reached in front of the house of Harpal Singh son of Anokh Singh for going towards the street for approaching his house, Paranjit Singh alias Kala armed with *gandasa*, Kuldeep Singh armed with *barchha*, Avtar Singh armed with *.315 bore rifle*, Gunvir Singh alias Guni armed with *gandasa*, Manveer Singh younger son of Avtar Singh armed with stick, Gurjit Singh armed with stick along-with 6/7 unknown persons were present there and on raising *lalkara* by Paranjit Singh alias Kala, he gave a *gandasa* blow on the left side of Bhupinder Singh's head, Manvir Singh younger son of Avtar Singh gave a *stick blow* which hit on the right arm near elbow of Bhupinder Singh, Harpal Singh gave a *sua (pork) blow* with an intention of kill Bhupinder Singh which hit on the right side of the neck of Bhupinder Singh. They have also alleged that Bhupinder Singh fell down and Gunvir Singh alias Guni gave a *gandasa* blow with its front side which hit on the head of Amninder Singh and when his son Mandeep Singh came to rescue them, Gurjit Singh gave a stick blow to Mandeep Singh which hit on his shoulder and bicep. Avtar Singh fired upon him with an intention to kill. Jaswant Kaur came and threw brick bats upon them. They have also alleged that

Balvir Singh along-with his 12 bore rifle came to rescue them and he, just to save them from the accused persons in the case titled as State Vs. Paranjit Singh and others, fired in the air, but the police in connivance with the accused persons in the case titled as State Vs. Paranjit Singh and others had falsely implicated them in the present case to put pressure upon them to make compromise in the present case.

9. In order to substantiate its case, the Appellants-Accused examined the following witnesses:

1.	DW-1	<i>Vinod Grover, Senior Assistant who has proved the Fire Arm License No. 192/R/AII/02 issued in the name of Avtar Singh son of Anokh Singh.</i>
2.	DW-2	<i>SI Avtar Singh, who has proved the statement of Bhupinder Singh Ex.D1 recorded by InspectorHarwinder Pal Singh on 03.07.2015, DDR No. 21 dated 03.07.2015 entered in this regard as cross version case of FIR No.50 of 02.07.2015 has already been registered, applications dated 01.09.2015 Ex.DE and Ex.DF in order to ascertain the nature of injuries on the person of injured Amninder Singh and Bhupinder Singh, arrest memo Ex.DG, personal search memo Ex.DG/1 to Ex.DG/4, memo Ex.DH and Ex.DH/1 whereby gandasa was taken into possession from accused Paranjit Singh and spear was taken into possession from accused Kuldeep Singh in a case titled as State Vs. Paranjit Singh, arrest memo Ex.DJ, personal search memo Ex.DJ/1, memo Ex.DK whereby recovered rifle was taken into custody after sealing the same in a parcel with seal bearing impression AS, memo Ex.DL whereby soti produced by Gurjit Singh was taken into custody, Ex.DM whereby offence under Section 27 of Evidence Act was added on 18.4.2016, memo of arrest Ex.DN wherein all the accused were again arrested on 27.4.2016, report under Section 173 Cr.P.C. consisting of 67 pages filed in a case titled as State Vs. Paranjit Singh and others Ex. DW2/A.</i>
3.	DW-3	<i>Harwinder Pal Singh, who proved applications Ex.DW3/A and Ex. DW3/B in case titled as State Vs. ParanjitSingh, and recorded the statement of Bhupinder Singh</i>

		<i>Ex.D1, endst. Ex.DW3/C made by him underneath the statement of Bhupinder Singh, police proceedings Ex.DW3/D conducted by him, DDR No.21 of 03.07.2015 Ex.DW3/A recorded on the statement of Bhupinder Singh, application Ex.DW3/E before medical officer Civil Hospital, Malerkotla and rough site plan Ex.DW3/F prepared by him at the spot.</i>
4.	<i>DW-4</i>	<i>Dr. Nisha Goyal, who has conducted medico legal examination of Bhupinder Singh son of Karnail Singh on 01.07.2016 has proved by copy of MLR Ex.DA, pictorial diagram showing the seats of injuries Ex.DA/1, copy of MLR regarding injuries on the person of Amninder Singh Ex. DB, pictorial diagram showing the seats of injuries Ex.DB/1, copy of MLR regarding injuries on the person of Mandeep Singh Ex.DC and pictorial diagram showing the seats of injuries Ex.DC/1, intimation given by him to the police Ex.DD, opinion Ex.DE/1 whereby she has declared injury No.1 on the person of Amninder Singh as simple in nature, application dated 08.10.2015 Ex.DF moved by him to seek the opinion of the Doctor regarding nature of the injuries on the person of Bhupinder Singh, endst. Ex.DF/1 whereby injury was declared simple in nature and bed head ticket of Bhupinder Singh Ex.DF/2.</i>
5.	<i>DW-4</i>	<i>Sukhjiwan Singh has proved the original compromise dated 26.02.2018 Ex.DW4/A, photo copy of the compromise dated 28.2.2018 Ex.DW4/B by identifying his signatures at point A on ExDW4/A and on point B Ex.DW4/B. He has also identified the signatures of his wife Ex.DW4/A at point Ex.DW4/B.</i>
6.	<i>DW-6 to DW-8</i>	<i>Bhupinder Singh, Mandeep Singh and Amninder Singh have proved the manner in which the occurrence took place and they received injuries from the hands of complainant party on 01.07.2015 in a cross version case titled as State Vs. Paranjit Singh and others.</i>

10. On appreciating the evidence on record and contentions raised by the learned counsel for the parties, the learned trial Court vide its judgment dated 27.01.2020 held all the appellants–accused

(in both appeals) as guilty and convicted them as under:

- (i) *Amninder Singh has committed an offence punishable under Section 148, 307 read with Section 149, 325 read with Section 149, 324 read with Section 149, 323 read with Section 149 IPC and 452 read with Section 149 IPC.*
- (ii) *Jatinder Singh has committed an offence punishable under Section 148, 452, 324, 307 read with Section 149, 325 read with Section 149 and 323 read with Section 149 IPC.*
- (iii) *Mandeep Singh has committed offence punishable under Section 148, 452, 307 read with Section 149, 325 read with Section 149, 324 read with Section 149 and 323 read with Section 149 IPC.*
- (iv) *Gagandeep Singh has committed offence punishable under Section 148, 452, 325, 307 read with Section 149, 323 read with Section 149 and 324 read with Section 149 IPC.*
- (v) *Pardeep Singh has committed offence punishable under Section 148, 452, 324, 307 read with Section 149, 325 read with Section 149 and 323 read with Section 149 IPC.*
- (vi) *Sandeep Singh has committed offence punishable under Section 148, 323, 452 read with Section 149, 307 read with Section 149, 325 read with Section 149, 324 read with Section 149 IPC.*
- (vii) *Tarlochan Singh has committed an offence punishable under Section 148, 452, 323, 307 read with Section 149, 325 read with section 149 and 324 read with Section 149 IPC.*
- (viii) *Bhupinder Singh has committed offence punishable under Section 148, 452, 323, 307 read with Section 149, 325 read with Section 149 and 324 read with Section 149 IPC.*
- (ix) *Balvir Singh has committed offence punishable under Sections 148, 307, 452 read with Section 149, 325 read with Section 149, 323 read with Section 149, 324 read with Section 149 IPC and 27 of Arms Act.*

11. Vide a separate order of sentence, the appellants – accused (in both appeals) have been sentenced as under:

Amninder Singh (in CRA-S-555-2020)

<i>Under Section</i>	<i>Rigorous Imprisonment</i>	<i>Fine (Rs.)</i>	<i>In default of payment of fine</i>
<i>148 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>307 read with Section 149 IPC</i>	<i>5 (five) years</i>	<i>Rs. 10,000/-</i>	<i>R.I. for 6 (six) Months</i>
<i>452 read with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>323 read with Section 149 IPC</i>	<i>6 (six) months</i>	<i>Rs. 500/-</i>	<i>R.I. for 15 (fifteen) Days</i>
<i>324 read with Section 149 IPC</i>	<i>1 (one) year</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>325 read with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>

Jatinder Singh (in CRA-S-555-2020)

<i>Under Section</i>	<i>Rigorous Imprisonment</i>	<i>Fine (Rs.)</i>	<i>In default of payment of fine</i>
<i>148 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>452 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>324 IPC</i>	<i>1 (one) year</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>307 read with Section 149 IPC</i>	<i>5 (five) years</i>	<i>Rs. 10,000/-</i>	<i>R.I. for 6 (six) Months</i>
<i>325 read with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>323 read with Section 149 IPC</i>	<i>6 (six) months</i>	<i>Rs. 500/-</i>	<i>R.I. for 15 (fifteen) Days</i>

Mandeep Singh (in CRA-S-555-2020)

<i>Under Section</i>	<i>Rigorous Imprisonment</i>	<i>Fine (Rs.)</i>	<i>In default of payment of fine</i>
<i>148 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>452 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>307 read with Section 149 IPC</i>	<i>5 (five) years</i>	<i>Rs. 10,000/-</i>	<i>R.I. for 6 (six) Months</i>
<i>325 read with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>324 read with Section 149 IPC</i>	<i>1 (one) year</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>323 read with Section 149 IPC</i>	<i>6 (six) months</i>	<i>Rs. 500/-</i>	<i>R.I. for 15 (fifteen) Days</i>

Gagandeep Singh (in CRA-S-555-2020)

<i>Under Section</i>	<i>Rigorous Imprisonment</i>	<i>Fine (Rs.)</i>	<i>In default of payment of fine</i>
<i>148 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>452 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>325 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>307 read with Section 149 IPC</i>	<i>5 (five) years</i>	<i>Rs. 10,000/-</i>	<i>R.I. for 6 (six) Months</i>
<i>323 read with Section 149 IPC</i>	<i>6 (six) months</i>	<i>Rs. 500/-</i>	<i>R.I. for 15 (fifteen) Days</i>
<i>324 read with Section 149 IPC</i>	<i>1 (one) year</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>

Pardeep Singh (in CRA-S-1103-2020)

<i>Under Section</i>	<i>Rigorous Imprisonment</i>	<i>Fine (Rs.)</i>	<i>In default of payment of fine</i>
<i>148 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>452 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>324 IPC</i>	<i>1 (one) year</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>

<i>307 read with Section 149 IPC</i>	<i>5 (five) years</i>	<i>Rs. 10,000/-</i>	<i>R.I. for 6 (six) Months</i>
<i>325 read with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>323 read with Section 149 IPC</i>	<i>6 (six) months</i>	<i>Rs. 500/-</i>	<i>R.I. for 15 (fifteen) Days</i>

Sandeep Singh (in CRA-S-1103-2020)

<i>Under Section</i>	<i>Rigorous Imprisonment</i>	<i>Fine (Rs.)</i>	<i>In default of payment of fine</i>
<i>148 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>323 IPC</i>	<i>6 (six) months</i>	<i>Rs. 500/-</i>	<i>R.I. for 15 (fifteen) Days</i>
<i>307 read with Section 149 IPC</i>	<i>5 (five) years</i>	<i>Rs. 10,000/-</i>	<i>R.I. for 6 (six) Months</i>
<i>452 IPCread with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>325 read with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>324 read with Section 149 IPC</i>	<i>1 (one) year</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>

Tarlochan Singh (in CRA-S-1103-2020)

<i>Under Section</i>	<i>Rigorous Imprisonment</i>	<i>Fine (Rs.)</i>	<i>In default of payment of fine</i>
<i>148 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>452 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>323 IPC</i>	<i>6 (six) months</i>	<i>Rs. 500/-</i>	<i>R.I. for 15 (fifteen)Days</i>
<i>307 read with Section 149 IPC</i>	<i>5 (five) years</i>	<i>Rs. 10,000/-</i>	<i>R.I. for 6 (six) Months</i>
<i>325 read with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>324 read with Section 149 IPC</i>	<i>1 (one) year</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>

Bhupinder Singh (in CRA-S-1103-2020)

<i>Under Section</i>	<i>Rigorous Imprisonment</i>	<i>Fine (Rs.)</i>	<i>In default of payment of fine</i>
<i>148 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>452 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>323 IPC</i>	<i>6 (six) months</i>	<i>Rs. 500/-</i>	<i>R.I. for 15 (fifteen) Days</i>
<i>307 read with Section 149 IPC</i>	<i>5 (five) years</i>	<i>Rs. 10,000/-</i>	<i>R.I. for 6 (six) Months</i>
<i>325 read with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>324 read with Section 149 IPC</i>	<i>1 (one) year</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>

Balvir Singh (in CRA-S-1103-2020)

<i>Under Section</i>	<i>Rigorous Imprisonment</i>	<i>Fine (Rs.)</i>	<i>In default of payment of fine</i>
<i>148 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>452 read with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>307 IPC</i>	<i>5 (five) years</i>	<i>Rs. 10,000/-</i>	<i>R.I. for 6 (six) Months</i>
<i>325 read with Section 149 IPC</i>	<i>2 (two) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>324 read with Section 149 IPC</i>	<i>1 (one) year</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>
<i>323 read with Section 149 IPC</i>	<i>6 (six) months</i>	<i>Rs. 500/-</i>	<i>R.I. for 15 (fifteen) Days</i>
<i>27 Arms Act</i>	<i>3 (three) years</i>	<i>Rs. 1,000/-</i>	<i>R.I. for 1 (one) Month</i>

12. I have heard Mr. Gopal Singh Nahel, learned counsel for the appellants, Mr. Harjinder S. Sidhu, learned Assistant Advocate General, Punjab, Ms. Manpreet Kaur, Advocate for Mr. Arunjeet Singh Kakkar, Advocate, learned counsel for respondents No.2 to 9 and have carefully gone through the file.

13. Learned counsels for the appellants (in both the appeals) contended that they do not challenge the conviction of the

appellants. However, the appellants and injured belong to the same village. During the pendency of the present appeal, the matter has been amicably settled between them and now they are residing peacefully. He pleaded that in view of the compromise (*Annexure A-1* in *CRA-S-1103-2020*), as well as affidavits of the injured, showing the factum of compromise (in *CRA-S-555-2020*), effected into between the parties, the sentence awarded to the appellants may be reduced. They have already undergone sufficient sentence.

14. Ms. Manpreet Kaur, learned counsel for the complainant has also corroborated the contention of learned counsel for the appellants with respect to the amicable settlement between the parties.
15. On the other hand, the learned State counsel contended that the appellants-accused have caused the fire arm injuries to the complainant party. In view of the offence committed by them, the sentence awarded to them by the learned trial Court is justified and does not call for any reduction.
16. I have duly considered the aforesaid contentions.
17. Though learned counsel for the appellants has not challenged the conviction of the appellants recorded by the learned trial Court and has only pleaded for reduction in the matter of sentence on the basis of compromise between the parties during the pendency of the present appeal, yet this Court is required to evaluate the legality of the conviction of the appellants recorded by the learned trial Court.
18. As is evident from the record that the prosecution has examined Paranjit Singh complainant as PW1, who has set the police

machinery into motion and made his statement (Ex.PA) in this regard, which formed the basis of FIR (Ex.PA/2). Not only that, his statement was corroborated by the injured/eye witnesses (PW2, PW8 and PW9). Instead of reproducing their entire evidence and in order to avoid repetition, suffice it to say that they have fully corroborated the prosecution version on all participatory aspects and proved the complicity of the appellants. They were cross-examined at length, but no substantial material could be elicited in their cross examination to dislodge their testimony and impeach their credibility. No motive could possibly be attributed to the injured/eye witnesses as to why they would falsely implicate the appellants in this case. They gave a vivid, consistent and cogent version of the occurrence and supported the prosecution story on all vital counts. The ocular version is duly supported by medical evidence, which is proved by PW-3 (Dr. Karnail Singh), PW-5 (Dr. Satwinder Kaur), PW-6 (Dr. Deepak Garg), PW-7 (Dr. Gursharan Singh), PW-10 (Dr. Yashi), PW-11 (Dr. Manjit Singh Sandhu), PW-14 (Dr. Davinder Kumar Gupta), PW-17 (Dr. Ridima Sachdeva). The investigating officer (PW-15) has duly testified his investigation.

19. Therefore, if the entire oral as well as documentary and medical evidence brought on record by the prosecution as narrated herein-above is put together, then, to me, the conclusion is inescapable and irresistible that it stands proved on record that the appellants have committed the pointed offences and they are liable to be

convicted thereunder. So, no fault can be found with the conviction of the appellants recorded by the learned trial Court.

20. This fact is not disputed that the appellants as well as all the injured belong to the same village. During the pendency of the present appeal, an amicable settlement has taken place between the parties. The complainant as well as all the injured have also filed their affidavits wherein they have mentioned that they have compromised with the accused persons with the intervention of the respectables and now there remains no grievance. They have no objection if the due indulgence is granted to the appellants by the Court on the basis of said compromise. The aforesaid affidavits filed by the complainant and injured witnesses show that during the pendency of the present appeal, an amicable settlement has been reached between the parties and now they have no grievance against the appellants-accused (in both the appeals).

21. The appellants have been convicted for the offences punishable under Sections 148/149/307/323/324/325/452 IPC, which are non-compoundable offences (except offence under Section 323 IPC).

22. Recently, a three Judges' Bench of Hon'ble Supreme Court of India in the case of *Murali v. State* 2021(1) RCR (Criminal) 509 has held that the fact of amicable settlement can be relevant factor for purpose of reduction in quantum of sentence. Hon'ble Supreme Court observed as under:

"9. There can be no doubt that section 320 of the Criminal Procedure Code, 1973 ("CrPC") does not encapsulate

Section 324 and 307 IPC under its list of compoundable offences. Given the unequivocal language of section 320(9) CrPC, 1973 which explicitly prohibits any compounding except as permitted under the said provision, it would not be possible to compound the appellants' offences.

*10. Notwithstanding thereto, it appears to us that the fact of amicable settlement can be a relevant factor for the purpose of reduction in the quantum of sentence. In somewhat similar circumstances where the parties decided to forget their past and live amicably, this Court in **Ram Pujan v. State of UP [(1973) 2 SCC 456]**, held as follows:*

"6. The only question with which we are concerned., as mentioned earlier, is about the sentence. In this respect we find that an application for compromise on behalf of the injured prosecution witnesses and the appellants was filed before the High Court. It was stated in the application that the appellants and the injured persons, who belong to one family, had amicably settled their dispute and wanted to live in peace. The High Court thereupon referred the matter to the trial court for verification of the compromise. After the compromise was got verified, the High Court passed an order stating that as the offence under Section 326 of the Penal Code, 1860 was non-compoundable, permission to compound the offence could not be granted. The High Court all the same reduced the sentence for the offence under Section 326 read with Section 34 of the Penal Code, 1860 from four years to two years.

7. The appellants during the pendency of the appeal were not released on bail and are stated to have already undergone a sentence of rigorous imprisonment for a period of more than four months. As the parties who belong to one family have settled their dispute, it is, in our opinion, not necessary to keep the appellants in jail for a longer period. The major offence for which the appellants have been convicted is no doubt non-compoundable, but the fact of compromise can be taken into account in determining the quantum of

sentence. It would, in our opinion, meet the ends of justice if the sentence of imprisonment awarded to the appellants is reduced to the period already undergone provided each of the appellants pays a fine of Rs. 1500 in addition to the period of imprisonment already undergone for the offence under Section 326 read with Section 34 of the of the Penal Code, 1860. In default of payment of fine, each of the appellants shall undergo rigorous imprisonment for a total period of one year for the offence under Section 326 read with Section 34 of the of the Penal Code, 1860. Out of the fine, if realised, Rs. 2000 should be paid to Ram Sewak and Rs. 2000 to Ram Samujh as compensation. We order accordingly."

11. *The afore-cited view has been consistently followed by this Court including in **Ishwar Singh v. State of MP [(2008) 15 SCC 667]**, laying down that:*

*"13. In **Jetha Ram v. State of Rajasthan [(2006) 9 SCC 255 : (2006) 2 SCC (Cri) 561]**, **Murugesan v. Ganapathy Velar [(2001) 10 SCC 504 : 2003 SCC (Cri) 1032]** and **Ishwarlal v. State of M.P. [(2008) 15 SCC 671 : JT (1988) 3 SC 36 (1)]** this Court, while taking into account the fact of compromise between the parties, reduced sentence imposed on the appellant-accused to already undergone, though the offences were not compoundable. But it was also stated that in **Mahesh Chand v. State of Rajasthan [1990 Supp SCC 681 : 1991 SCC (Cri) 159 : AIR 1988 Supreme Court 2111]** such offence was ordered to be compounded.*

14. In our considered opinion, it would not be appropriate to order compounding of an offence not compoundable under the Code ignoring and keeping aside statutory provisions. In our judgment, however, limited submission of the learned counsel for the appellant deserves consideration that while imposing substantive sentence, the factum of compromise between the parties is indeed a relevant circumstance which the Court may keep in mind.

15. In the instant case, the incident took place before more than fifteen years; the parties are residing in one and the same village and they are also relatives. The appellant was about 20 years of age at the time of commission of crime. It was his first offence. After conviction, the petitioner was taken into custody. During the pendency of appeal before the High Court, he was enlarged on bail but, after the decision of the High Court, he again surrendered and is in jail at present. Though he had applied for bail, the prayer was not granted and he was not released on bail. Considering the totality of facts and circumstances, in our opinion, the ends of justice would be met if the sentence of imprisonment awarded to the appellant (Accused 1) is reduced to the period already undergone."

(emphasis supplied)

12. In later decisions including in **Ram Lal v. State of J&K**, [(1999) 2 SCC 213], **Bankat v. State of Maharashtra**, [(2005) 1 SCC 343], **Mohar Singh v. State of Rajasthan** [(2015) 11 SCC 226], **Nanda Gopalan v. State of Kerala** [(2015) 11 SCC 137], **Shankar v. State of Maharashtra**, [(2019) 5 SCC 166], this Court has taken note of the compromise between parties to reduce the sentence of the convicts even in serious non-compoundable offences.

23. In this case, the custody certificates of all the appellants have been placed on record by the learned State counsel which show that appellants(in both appeals) have already undergone the actual sentence as follows:

Sr. No.	Name	Actual Undergone period
1	Amninder Singh	3 months – 3 days
2	Jatinder Singh	7 months – 3 days
3	Mandeep Singh	6 months – 10 days
4	Gagandeep Singh	7 months – 13 days
5	Pardeep Singh	8 months – 24 days
6	Sandeep Singh	3 months – 10 days

7	<i>Tarlochan Singh</i>	<i>6 months – 24 days</i>
8	<i>Bhupinder Singh</i>	<i>3 months – 4 days</i>
9	<i>Balvir Singh</i>	<i>01 year – 2 months – 9 days</i>

24. Keeping in view the above-referred legal position and also upon consideration of the peculiar facts and circumstances of this case, I am of the considered opinion that it is a fit case to take a sympathetic view and reconsider the quantum of sentences awarded to the appellants for the following reasons :-

- a. This case dates back to the year 2015 and the parties belong to the same village; who have mutually buried their hatchet vide compromise dated 20.02.2020 (Annexure A-1 in **CRA-S-1103-2020**). The separate affidavits of all the injured/victims (filed in **CRA-S-555-2020**) would show that the complainant/injured/victims have accepted the apology out of their own free will.*
- b. There is nothing on record to show that either before or after the said compromise, any untoward incident transpired between the parties.*
- c. The occurrence took place in pursuance of a verbal altercation due to non-giving of side to vehicles of either party and at that time, most of the appellants were in the age of 22-33 years.*
- d. As per custody certificates, the appellants have no other criminal antecedents.*
- e. All the appellants have served a significant portion of their sentences. In such circumstances, it might not serve the interests of society to keep them incarcerated any further.*
- f. The object of law is well served when the parties resolve their differences and chose to peacefully co-exist and to live in harmony.*

25. Thus, in view of the aforesaid discussion, both the appeals filed by the appellants against their conviction stands dismissed. However, the substantive sentence awarded to the appellants is reduced to the period already undergone by them as mentioned in their custody certificates. The fine imposed by the trial Court upon the appellants shall remain the same. In case, the fine as has been imposed by the trial Court has not been already deposited by the appellants, then they shall deposit the same within a period of one month from the date of passing of this judgment; failing which they shall have to undergo the sentence in default of payment of fine as mentioned here-in-before.
26. Both the appeals are accordingly disposed of in above-said terms.
27. All pending applications shall stand closed.
28. A photocopy of this order be placed on the file of another connected case.

May 1st, 2023
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No