

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

**CRR No. 3208 of 2014 (O&M)  
Date of decision: 4<sup>th</sup> September, 2023**

Harbans Kaur and others

Petitioners

Versus

State of Haryana

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Rahul Vats, Advocate for the petitioners.  
Mr. Rajiv Sidhu, DAG, Haryana.

**AVNEESH JHINGAN, J (Oral):**

1. This is a revision petition aggrieved of conviction and quantum of sentence in case of FIR No. 537 dated 16.12.2008, under Sections 419, 420, 423, 467, 468, 471, 120-B IPC, registered at Police Station Ratia.
2. The brief facts are that FIR was registered at the instance of Jarnail Singh. It was stated that after the death of Santa Singh, the complainant along with his brother Karnail Singh, mother Balbir Kaur and sister Dalwinder Kaur inherited the land. Petitioners No. 2 to 4 and 7 impersonated deceased-Santa Singh, Harbans Singh, Gurmej Kaur and Chhindro Kaur and got a sale deed dated 18.3.2008 registered of the land in question in favour of petitioner No.1-Harbans Kaur.
3. The trial court after appreciating the facts and considering the evidence adduced, convicted the respondents under Sections 419, 423, 467, 468, 471 and 120-B IPC vide judgment dated 5.10.2012. Vide order of even date, they were sentenced as under:

| Section   | Sentence                                                                                                                                                                                                           |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 419 IPC   | Rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- each. In case of non-payment of fine, all the convicts shall further undergo rigorous imprisonment for a period of four months. |
| 423 IPC   | Rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- each. In case of non-payment of fine, all the convicts shall further undergo rigorous imprisonment for a period of fifteen days.   |
| 467 IPC   | Rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- each. In case of non-payment of fine, all the convicts shall further undergo rigorous imprisonment for a period of four months. |
| 478 IPC   | Rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- each. In case of non-payment of fine, all the convicts shall further undergo rigorous imprisonment for a period of four months. |
| 471 IPC   | Rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- each. In case of non-payment of fine, all the convicts shall further undergo rigorous imprisonment for a period of four months. |
| 120-B IPC | Rigorous imprisonment for a period of two years and to pay a fine of Rs.3,000/- each. In case of non-payment of fine, all the convicts shall further undergo rigorous imprisonment for a period of one month       |

All the sentences were ordered to run concurrently. The appeal filed was dismissed on 11.9.2014. Hence the present petition.

4. Learned counsel for the petitioners is not challenging the conviction, however, restricts the prayer for reducing the quantum of sentence. He relies upon the fact noted by the appellate court that in civil proceedings that the matter was compromised and the sale deed in favour of Harbans Kaur was declared null and void. He submits that petitioner No. 1 is 80 years, a lenient view be taken in view of the facts of the case.

5. The learned counsel for the State has produced custody certificates. As per the custody certificates, the petitioners have undergone the sentence as under:

| <i>Name of the petitioner</i> | <i>Sentence undergone</i>        |
|-------------------------------|----------------------------------|
| Harbans Kaur                  | Four months and seven days       |
| Satnam Singh                  | Four months and twenty four days |
| Jagtar Singh                  | Four months and twenty four days |

|             |                                |
|-------------|--------------------------------|
| Amrik Kaur  | Four months and seventeen days |
| Gurnam Kaur | Four months and seventeen days |

6. The Supreme Court in ***Murali v. State rep. By the Inspector of Police, 2021(1) SCC (Cri.) 487*** reiterating its earlier view in ***Ram Pujan v. State of UP (1973) 2 SCC 456*** held:

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-ompoundable, 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. In the absence of any challenge to the conviction is upheld. However, considering that the petitioners have clean antecedents, the matter has been compromised and the land has been returned back, the quantum of

sentence is reduced to the period already undergone by the petitioners.

8. The revision petition is disposed of.

4<sup>th</sup> September, 2023

mk

1. Whether speaking/ reasoned

2. Whether reportable

:

:

Yes / No

Yes / No

[AVNEESH JHINGAN]

JUDGE