

CRR-2661-2022 (O&M) and another

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DECIDED ON :-01.02.2023

1. CRR-2661-2022 (O&M)

Sandeep Singh ...Petitioner.

Vs.

State of Punjab and others ...Respondents.

2. CRR-1859-2022 (O&M)

Jaspal Singh and others ...Petitioners.

vs.

State of Punjab and others ...Respondents.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Anmol Puri, Advocate
for the petitioner (in CRR-2661-2022).
Mr. Gautam Goyal, Advocate for
Mr. Vivek Gupta, Advocate,
for the petitioners (in CRR-1859-2022).
Mr. Amit Shukla, AAG, Punjab.
Mr. Ravneet Singh Bains, Advocate for
Mr. S.S. Rangi, Advocate,
for respondents No.2 and 3.

HARKESH MANUJA, J. (ORAL)

CRM-46681-2022 in CRR-2661-2022

Prayer in this application is for condonation of delay of 11 days in filing the criminal revision petition.

Notice of the application.

Mr. Amit Shukla, AAG, Punjab accepts notice on behalf of respondent-State and submits that he has no objection, in case, delay is condoned.

In view of the above, having gone through the contents of the application, duly supported by an affidavit, delay of 11 days in filing the criminal revision petition is condoned.

CRM stands disposed of.

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CRM-4997-2023 in CRR-2661-2022

Prayer in this application is for seeking amendment of memo of parties.

Notice of the application.

Mr. Amit Shukla, AAG, Punjab accepts notice on behalf of respondent-State and submits that he does not wish to file any reply to the application.

Having heard learned counsel for the parties and keeping in view the contents made in the application, the same is allowed.

Amended memo of parties is taken on record.

CRM-3893-2023 in CRR-2661-2022 **CRM-3640-2023 in CRR-1859-2022**

Prayer in these applications is for impleading complainant-Bharpur Singh and injured-Charanjit Singh as respondents No.2 and 3.

Notice of the applications.

For the reasons mentioned in the applications, same are allowed and complainant-Bharpur Singh and injured-Charanjit Singh are ordered to be impleaded as respondents No.2 and 3 respectively.

Separate amended memo of parties filed along with these applications are taken on record.

CRM-3895-2023 in CRR-2661-2022 **CRM-3639-2023 in CRR-1859-2022**

Applications are allowed. Compromise and other documents filed along with these applications are taken on record as Annexure P-1 to P-5. Registry to tag the same at appropriate place.

Main case

This order shall dispose of two aforementioned criminal revision petitions arising out of common judgment dated 16.08.2022 passed by the court of Additional Sessions Judge, Sangrur, upholding the judgment of conviction and order of sentence dated 16.11.2019 passed by learned Judicial Magistrate Ist Class, Dhuri.

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Arising out of an incident dated 13.07.2015, FIR No.114, dated 17.07.2015, under Sections 323, 325, 148 and 149 IPC, came to be registered against the petitioners, at the instance of injured-Charanjit Singh. Upon trial, the petitioners were convicted under Sections 148, 149, 323, 325 IPC vide judgment dated 16.11.2019, followed by order of sentence of even date passed by the court of learned Judicial Magistrate Ist Class, Dhruvi, whereby, they were ordered to undergo sentence to the following effect:-

<i>Name of convict</i>	<i>Offence u/s</i>	<i>Sentence S.I. for</i>	<i>In default of payment of fine S.I. for</i>
Jaspal Singh	148 IPC	1 year+1000 fine only	1 month
	149 IPC	2 years+2000 fine only	1 month
	325 IPC	2 years+2000 fine only	1 month
	323 IPC	6 months+1000 fine only	1 month
Lakhvir Singh	148 IPC	1 year+1000 fine only	1 month
	149 IPC	2 years+2000 fine only	1 month
	325 IPC	2 years+2000 fine only	1 month
	323 IPC	6 months+1000 fine only	1 month
Parminder Singh	148 IPC	1 year+1000 fine only	1 month
	149 IPC	2 years+2000 fine only	1 month
	325 IPC	2 years+2000 fine only	1 month
	323 IPC	6 months+1000 fine only	1 month
Surinder Singh	148 IPC	1 year+1000 fine only	1 month
	149 IPC	2 years+2000 fine only	1 month
	325 IPC	2 years+2000 fine only	1 month
	323 IPC	6 months+1000 fine only	1 month
Sandeep Singh	148 IPC	1 year+1000 fine only	1 month
	149 IPC	2 years+2000 fine only	1 month
	325 IPC	2 years+2000 fine only	1 month
	323 IPC	6 months+1000 fine only	1 month

Aggrieved against the aforesaid judgment, the petitioners filed first appeal, which came to be dismissed vide judgment dated 16.08.2022 passed by the Court of learned Additional Sessions Judge, Sangrur.

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The aforesaid two decisions have been challenged through the above mentioned two criminal revision petitions. CRR No.2661 of 2022 has been filed at the instance of one of the convict, namely, Sandeep Singh, whereas, CRR No.1859-2022 has been preferred at the instance of remaining 4, namely, Jaspal Singh, Lakhvir Singh, Parminder Singh and Surinder Singh.

As per custody certificates provided by learned State counsel, the details of the period undergone by the petitioners till 19.01.2023 is as under:-

<i>Sr. No.</i>	<i>Name of the convict</i>	<i>Total conviction</i>	<i>Custody period</i>
1	Jaspal Singh	2 years	5 months and 26 days
2	Surinder Singh	2 years	5 months and 26 days
3	Lakhvir Singh	2 years	5 months and 26 days
4	Parminder Singh	2 years	5 months and 26 days
5	Sandeep Singh	2 years	4 months and 7 days

Learned counsels for the petitioners submit that the petitioners and the complainant/injured, namely, Charanjit Singh as well as injured-Bharpur Singh, who happens to be father of complainant, they all belong to the same Village Ladda, Tehsil Dhuri, District Sangrur and are neighbours. It has been submitted that, with the intervention of respectables of the village, the petitioners as well as the injured have settled their differences now and decided to live in peace by leaving aside enmity for their better future as well as the safety of their generations to come, even statements of injured persons, namely, Charanjit Singh and Bharpur Singh were recorded by this Court on 20.01.2023, which were made part of the record as Mark “C” and Mark “D”. Learned counsel, thus, prays for that the revision petitions be allowed.

On the other hand, learned State counsel opposes the prayer made in the present revision petitions as well as applications.

I have heard learned counsel for the parties and perused paper-books.

Though, I do not find any illegality or infirmity in the judgment passed by the Courts

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below, however, considering the fact that the parties have already settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings especially in view of the law laid down by Hon'ble Supreme Court in '**Puttaswamy versus State of Karnataka & Another, 2009(1) RCR (Criminal) 501**', and relevant extract of the same has been reproduced hereunder for reference:-

“9. What emerges from all these decisions is that even if an offence is not compoundable within the scope of Section [320](#) of Code of Criminal Procedure the Court may, in view of the compromise arrived at between the parties, reduce the sentence imposed while maintaining the conviction. In the present case, the appellant has been convicted under Sections [279](#) and [304A](#) of the Indian Penal Code and has been sentenced to undergo simple imprisonment for a period of 6 months and to pay a fine of Rs. 2,000/-. The sentence as far as conviction under Section [279](#) Indian Penal Code is concerned has been set aside by the High Court. What remains after the judgment of the High Court is the conviction under sections [279](#) and [304A](#) Indian Penal Code wherein the appellant was sentenced to undergo six months simple imprisonment along with a fine of Rs. 2,000/-. In our view, this is one of those cases where instead of confining the appellant in prison, the interest of justice will be better served if he is made to compensate the family of the deceased on account of the loss suffered by them.

10. Accordingly, while maintaining the appellant's conviction under sections [279](#) and [304A](#) Indian Penal Code, notwithstanding the agreement arrived at between the parties, we increase the amount of fine from Rs. 2,000/- to Rs. 20,000/- to be paid by the appellant to the parents of the deceased and reduce the sentence to the period already undergone, subject to payment of the fine. The aforesaid amount is to be deposited by the appellant in the Trial Court within three weeks from date, and on such deposit, the said amount shall be made over to the parents of the deceased and the appellant shall be released forthwith. In default of such deposit, this order shall remain in abeyance for a period of four weeks and if still no deposit is made within the said period the appeal will stand dismissed”.

Accordingly, in the facts and circumstances of the present case, matter has been compromised between the parties and respondents No.2 and 3 have no grudge remaining against the petitioners. The occurrence pertaining to the year 2015 and more than 07 years having elapsed, upholding the judgment of conviction, the order of sentence is modified to the period already undergone by the petitioners. The quantum of fine and sentence in default shall, however, remain intact.

Consequently, both the revision petitions are disposed of in the above terms, subject to deposit of a sum of Rs.20,000/- each by the petitioners within a period of two weeks from today before the Bar Clerks Association, Punjab and Haryana High Court, Chandigarh.

01.02.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No