



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM Nos. 12933 & 12934 of 2023 in/and
CRA-S No. 1611-SB of 2012 (O&M)
Date of Decision: 17.05.2024

Gurjit Singh and others

..... Appellants

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Surinder Thakur, Advocate
for the applicants-appellants.

Mr. Siddharath Sandhu, Assistant Advocate General, Punjab

Mr. Nitin Verma, Advocate
for the complainant.

HARKESH MANUJA, J. (ORAL)

CRM-12933-2023

Prayer in the present application moved on behalf of the applicants-appellants is for placing on record compromise deed dated 15.02.2023 arrived at between the parties, as Annexure A-1, as also exemption from filing the certified/original copy thereof.

Application is allowed, as prayed for, subject to all just exceptions. The aforesaid compromise deed dated 15.02.2023 is taken on record as Annexure A-1.

Registry to do the needful.

CRM-12934-2023

Prayer in the present application moved on behalf of the applicants-appellants, is for compounding the offences in view of settlement arrived at between the parties as per compromise deed dated 15.02.2023 and consequently to dispose off the main appeal.

Notice of the application stood issued vide order dated 22.03.2023 passed by this Court.

Upon notice, learned counsel for the complainant does not dispute the factum of compromise arrived at between the parties and has no objection in case the appeal is accepted.

In view of the above and with the consent of learned counsel for the parties, the main appeal is taken up today itself.

MAIN CASE

In Sessions case No. 60 of 2007 titled “State Vs. Gurjit Singh and others”, arising out of FIR No. 48, dated 30.07.2007 under Sections 307/324/323/341/34 of IPC, Gurjit Singh, Gurwinder Singh and Amanpal Singh @ Amanpret Singh (appellants herein) were convicted, vide judgment dated 03.05.2012 passed by the concerned Additional Sessions Judge, Hoshiarpur. Vide separate order of even date, all three of them were sentenced as under:-

U/S 307 IPC (Gurjit Singh)	To undergo RI for seven years and to pay fine of Rs.500/- and in default to undergo further RI for two months.
U/S 307/34 IPC (Gurwinder Singh & Amanpal @ Amanpreet Singh)	To undergo RI for seven years and to pay fine of Rs.500/- and in default to undergo further RI for two months.
U/S 324 IPC (Gurjit Singh)	To undergo RI for one year and to pay fine of Rs.200/- and in default to undergo further RI for 15 days.

U/S 324/34 IPC (Gurwinder Singh & Amanpal @ Amanpreet Singh)	To undergo RI for one year and to pay fine of Rs.200/- and in default to undergo further RI for 15 days, each.
U/S 323 IPC (Gurwinder Singh)	To undergo RI for six months.
U/S 323/34 IPC (Gurjit Singh & Amanpal @ Amanpreet Singh)	To undergo RI for six months, each.
U/S 341 IPC (All the convicts)	To undergo SI for one month.
All the sentences were directed to run concurrently	

[2] Against the aforesaid judgment of conviction and order of sentence, the applicants-appellants have preferred the present appeal, which stood admitted vide order dated 16.09.2016 passed by this Court, while staying the recovery of fine. The sentences of all the applicants-appellants were also suspended vide orders dated 12.10.2012, 22.11.2012 & 11.11.2013 passed by this Court.

[3] Learned counsel for the appellants submits that during pendency of the appeal, parties have entered into a compromise. He refers to written compromise dated 15.02.2023 (A-1), which was executed amongst them, as per which, with the intervention of respectable members, they had entered into a compromise with their free will and without any pressure. It was also mentioned that the complainant party has no objection in case the appellants are acquitted / discharged or released in the matter. He further contends that prima facie, no offence under Section 307 of IPC is made out.

[4] Learned counsel for the complainant does not dispute the factum of settlement arrived at between the parties and has no objection in case the appellants are acquitted.

[5] This Court, vide order dated 16.01.2024, directed the parties to appear before the Trial Court/Illaq Magistrate for recording their statements with regard to the validity of compromise.

[6] In pursuance of above order dated 16.01.2024, a report dated 30.01.2024 has been received from the concerned Court, stating that compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

[7] Thus once, the compromise has been arrived at between the parties without any pressure and respondent(s) – complainant(s) / victim(s) having no objection as regards setting aside of conviction order as well as all other subsequent proceedings arising out of the same against the appellants; there does not appear to be any impediment as regards quashing of present FIR *qua* the appellant(s). Even otherwise, in order to maintain peace and harmony between the parties, particularly under the present circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by setting aside the conviction order on the basis of compromise entered into between the parties.

It is relevant to mention here that though, the conviction was under different provisions including Section 307 IPC; however, in the given facts and circumstances as well as the evidence available on record, the same is debatable, as the doctor (Dr. Prem), who declared injury No. 1 on the person of Kuljit Singh-complainant (victim) as dangerous, was not examined by the prosecution, thereby depriving the appellants of an opportunity to cross-examine him as regards his opinion *qua* the nature of injury.

Moreover, the parties are the residents of same village / surrounding area and the findings were recorded *qua* the nature of injury being dangerous to life only on the basis of X-ray report conducted by Dr. Gitika, especially when Dr. Kamal Negi, who appeared as PW-3 and was not able to explain as to what basis Dr. Prem had declared injury No. 1 as dangerous. In such circumstances, the conviction of appellants under Section 307 of IPC was not justified and at best, it could have been done under Section 326 of IPC. Accordingly, the conviction of appellants under Section 307 of IPC is converted into one under Section 326 of IPC.

[8] The parties belong to the same village / surrounding area and have settled their dispute so as to live in peace in future; no useful purpose would be served by proceeding further with the criminal proceedings. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

[9] Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the impugned judgment of conviction and order of sentence (*supra*) is set aside. Appellants stand acquitted within the meaning of Section 320 (8) Cr.P.C.

[10] The aforesaid order shall, however, be subject to providing **one water cooler and two Reverse Osmosis (RO) water purifiers** to the Civil Hospital, Hoshiarpur, [amounting to Rs. 50,000/-], within a period of two weeks from the date of receipt of certified copy of this order, as volunteered

by the appellants, against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also be sent to the office of Advocate General, Punjab at the earliest for maintaining records in this regard.

[11] Pending miscellaneous application(s), if any, shall also stand disposed off.

May 17, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No