



In the High Court of Punjab and Haryana at Chandigarh

1. CRA-D-591-DBA-2003 (O&M)
Reserved on: 27.11.2024
Date of Decision: 10.12.2024

State of PunjabAppellant

Versus

Gurmeet Singh @ Gheeta and othersRespondents

2. CRA-S-319-SB-2003 (O&M)

Gurmeet Singh @ Gheeta and othersAppellants

Versus

State of PunjabRespondent

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Maninder Singh, Sr. DAG, Punjab
for the appellant (in CRA-D-591-DBA-2003) and
for the respondent-State (in CRA-S-319-SB-2003).

Mr. Amit Mehta, Advocate
for the respondents (in CRA-D-591-DBA-2003) and
for the appellants (in CRA-S-319-SB-2003).

Proceedings against respondents No. 2, 3, 5, 6, 9 and 10
already stand abated. (in CRA-D-591-DBA-2003)

SURESHWAR THAKUR, J. (ORAL)

1. Since both the appeals (supra) arise from a common verdict,
made by the learned trial Judge concerned, hence both the appeals (supra)
are amenable for a common verdict being made thereons.

2. **CRA-S-319-SB-2003** is directed against the impugned verdict,
as made on 23.1.2003, upon case Session Case No. 08 of 14.12.2000, by the
learned Additional Sessions Judge (Adhoc), Fast Track Court, Sangrur,

wherein in respect of charges respectively drawn against the accused



qua the offences punishable under Sections 148, 307, 323, 324, 325 read with Section 149, thus the learned trial Judge concerned, proceeded to record a finding of conviction against accused Darshan Singh, Gurmeet Singh, Jora Singh, Maghar Singh and Beant Singh. However, accused Wazir Singh, Hamir Singh, Mukhtiar Singh, Harcharan Singh and Bikkar Singh were acquitted of the charges drawn against them.

3. Moreover, through a separate sentencing order of even date, the learned trial Judge concerned, imposed upon, the convicts both sentence(s) of imprisonment as well as sentence(s) of fine, but in the hereinafter extracted manner:

“All the accused namely Darshan Singh, Beant Singh, Gurmeet Singh, Jora Singh, Maghar Singh are sentenced to undergo R.I. for one year under Section 148 IPC.”

Accused Maghar Singh is sentenced to undergo R.I. for two years and to pay a fine of Rs. 500/- under Section 325 IPC. In default of payment of fine, he shall further undergo R.I. for six months, whereas accused Darshan Singh, Beant Singh, Jora Singh and Gurmeet Singh are sentenced to undergo R.I. for two years and to pay a fine of Rs. 500/- under Section 325 read with Section 149 IPC. In default of payment of fine, they shall further undergo R.I. for six months.

Accused Beant Singh is sentenced to undergo R.I. for two years and to pay a fine of Rs. 500/- under Section 325 IPC. In default of payment of fine, he shall further undergo R.I. for six months, whereas accused Darshan Singh, Jora Singh, Gurmeet Singh and Maghar Singh are sentenced to undergo R.I. for two years and to pay a fine of Rs. 500/- under Section 325 read with Section 149 IPC. In default of payment of fine, they shall further undergo R.I. for six months.

Accused Darshan Singh is sentenced to undergo R.I. for one year and to pay a fine of Rs. 500/- under Section 324 IPC. In default of payment of fine, he shall further undergo R.I. for six months, whereas accused Beant Singh, Jora Singh, Maghar Singh and Gurmeet Singh are sentenced to undergo R.I. for one year and to pay a fine of Rs. 500/- under Section 324 read with Section 149 IPC. In default of payment of fine, they shall further undergo R.I. for six months.

Accused Jora Singh, Beant Singh and Gurmeet Singh are



sentenced to undergo R.I. for nine months on three counts under Section 323 IPC whereas accused Darshan Singh and Maghar Singh are sentenced to undergo R.I. for nine months under Section 323 read with Section 149 IPC on three counts.”

4. All the sentences were ordered to run concurrently.
5. The State of Punjab becomes aggrieved from the above drawn verdict of acquittal in respect of accused Wazir Singh, Hamir Singh, Mukhtiar Singh, Harcharan Singh and Bikkar Singh, and, is led to institute thereagainst criminal appeal bearing No. *CRA-D-591-DBA-2003*, with a further prayer therein that the judgment (*supra*) be quashed and set aside, and, that all the accused be convicted under Section 307 IPC.
6. Be that as it may, during the pendency of both the appeals (*supra*), an application was moved before this Court at the instance of the appellants-convicts concerned, whereby they evinced their readiness, and, willingness to compromise the penal occurrence, as embodied in the appeal.
7. On the said application, this Court had, on 18.7.2024, made the hereinafter directions.

“CRM-20684-2024

1. *Allowed as prayed for subject to all just exceptions. Annexure R-1 is taken on record.*
2. *In the instant application, the applicants in (CRA-S-319-SB-2003), have prayed for an order of composition being made by this Court, post verdict of conviction, becoming recorded by the learned trial Judge vis-a-vis the charges drawn against them for offences punishable under Sections 323, 324, 325, 149 of the IPC. Therefore, before proceeding to make an order of composition, in respect of the offences concerned, this Court deems it fit, and, appropriate to direct the learned trial Judge concerned, to issue summons respectively, upon the convicts and the complainant(s)/injured so that they, in terms of the settlement/compromise (Annexure R-1) may proceed to make*



their respective statement before the learned Illaqa Magistrate concerned.

4. *The report of the learned Illaqa Magistrate concerned, regarding the voluntariness, and also with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure R-1, if compositely drawn, be ensured to e transmitted to this Court.*

x x x x”

8. In terms of the order (supra), as became made by this Court, the learned Illaqa Magistrate concerned, has despatched to this Court, the respectively made statements by the victims/injured, the complainant, as well as by the appellants-convicts.

9. A reading of the said testifications, made before the learned Illaqa Magistrate concerned, reveals, that they are ready, and, willing to compound the penal offences, as arising from the commission of offences (supra), as embodied in the FIR (supra). Therefore, for ensuring that amicability prevails amongst the convicts, and, the victim/complainant, therebys this Court proceeds to, in terms of the directions made by the Hon’ble Apex Court in the case of ***Gian Singh versus State of Punjab and another 2012(4) RCR (Criminal) 543*** accept the plea for composition of the offences, as arising from the commission of offence (supra).

10. Consequently, ***CRA-S-319-SB-2003***, directed against the impugned verdict of conviction, and, consequent therewith sentences (supra), is allowed. The verdict of conviction, and, consequent therewith sentences (supra), as became imposed, upon the appellants-convicts, are quashed, and, set aside. The appellants, if in custody, be forthwith set at liberty. The personal, and, surety bonds, as furnished by the appellants are



ordered to be forthwith cancelled, and, discharged.

11. In addition, *CRA-D-591-DBA-2003*, whereby the State has challenged the verdict of acquittal made qua the respondents concerned, with a further prayer therein that the judgment (supra) be quashed and set aside, and, that all the accused be convicted under Section 307 IPC, thus thereby becomes rendered infructuous, and, is disposed of as such.

12. The case property, if any, be dealt with, in accordance with law.

13. Records be sent down forthwith.

14. The miscellaneous application(s), if any, is/are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

December 10, 2024
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No