



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-S-2761-2019 (O&M)
Date of decision: 28.11.2025

Jaskaran Singh @ Jassi and others

...Appellant(s)

VERSUS

State of Punjab and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Vinod Kumar, Advocate for the appellants.

Ms. Savi Nagpal, AAG Haryana.

Mr. J.J.S. Uppal, Advocate for

Mr. P.S. Miglani, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

CRM-9376-2020 and
CRM-22412-2025

CRM-9376-2020 has been filed for disposal of the appeal in view of the compromise dated 11.02.2020 (Annexure A-1) and CRM-22412-2025 has been filed for compounding of offence in view of the settlement between the parties.

Main case:

1. The instant appeal has been filed against the judgment of conviction and order of sentence dated 27.08.2019 passed by the Sessions Judge, Hoshiarpur, in case bearing FIR No. 96 dated 5/6/2017 registered under section 308, 341, 323, 506 and 34 of IPC at P.S. Mukerian District Hoshiarpur, whereby the appellants have even though been acquitted of offence under Section 308 of the Indian Penal Code, 1860 but have been



convicted and sentenced for other offences as under:-

Appellant No.1- Jaskaran Singh @ Jassi

<i>Sr. No.</i>	<i>Offence Under Section</i>	<i>Rigorous Imprisonment</i>
1	323 IPC	<i>To undergo rigorous imprisonment for a period of one year and to pay fine of Rs. 1000/-. In default of payment of fine to further undergo rigorous imprisonment for 10 (ten) days.</i>
2	323/34 IPC	<i>To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1000/-. In default of payment of fine to further undergo rigorous imprisonment for 10 (ten) days.</i>
3	341 IPC	<i>To undergo rigorous imprisonment for a period of one month and to pay fine of Rs.500/-. In default of payment of fine to further undergo rigorous imprisonment for 7 (Seven) days.</i>
4	506 I.P.C.	<i>To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1000/-. In default of payment of fine to further undergo rigorous imprisonment for 10 (ten) days.</i>

Appellant No.2- Gurmit Singh @ Jeet

<i>Sr. No.</i>	<i>Offence Under Section</i>	<i>Rigorous Imprisonment</i>
1	323 IPC	<i>To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1000/-. In default of payment of fine to further undergo rigorous imprisonment for 10 (ten) days.</i>



2	323/34 IPC	To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1000/-. In default of payment of fine to further undergo rigorous imprisonment for 10 (ten) days.
3	341 IPC	To undergo rigorous imprisonment for a period of one month and to pay fine of Rs.500/-. In default of payment of fine to further undergo rigorous imprisonment for 7 (Seven) days.
4	506 I.P.C.	To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1000/-. In default of payment of fine to further undergo rigorous imprisonment for 10 (ten) days.

Appellant No.3- Jaswinder Singh @ Keshu

Sr. No.	Offence Under Section	Sentence of Imprisonment
1	323 IPC	To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1000/-. In default of payment of fine to further undergo rigorous imprisonment for 10 (ten) days.
2	323/34 IPC	To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1000/-. In default of payment of fine to further undergo rigorous imprisonment for 10 (ten) days.
3	341 IPC	To undergo rigorous imprisonment for a period of one month and to pay fine of Rs.500/-. In default of payment of fine to further undergo rigorous imprisonment for 7 (Seven) days.
4	506 I.P.C.	To undergo rigorous imprisonment for a period of one year and to pay fine of Rs.1000/-. In default of payment of fine to further undergo rigorous imprisonment for 10 (ten) days.



2. The prosecution case, as it emerges from the record, is that complainant Ravinder Singh is the nephew of Hardev Kaur who is the Sarpanch of village Bishanpur. It is alleged that Darshan Singh son of Gurbachan Singh resident of village Bishanpur had been encroaching upon the village pond by dumping earth. Hardev Kaur in her capacity as Sarpanch submitted an application before the competent authorities upon which Darshan Singh was restrained from carrying out the aforesaid encroachment. On 03.06.2017 while the complainant was watching a cricket match in the village playground, accused Jaskaran Singh @ Jassi son of Darshan Singh armed with a wicket along with two unknown boys armed with bats in their hands arrived on a motorcycle bearing registration No. PB07-AH-6668. They stopped the motorcycle near the complainant whereupon Jaskaran Singh proclaimed that the complainant was the nephew of the Sarpanch and thereafter dealt a blow with the wicket with the intention to kill him which landed on the right side of his head causing bleeding. When the complainant attempted to run away, Jaskaran Singh again intercepted him and gave another wicket blow which the complainant attempted to ward off by raising his left arm resulting in the blow landing on the left side near his chest. The complainant fell to the ground whereafter the two unknown boys inflicted bat blows which landed on his right shoulder and left knee. The complainant raised hue and cry upon which the aforesaid assailants fled from the spot along with their weapons while extending threats to his life. His uncle Dalbir Singh reached the spot and removed him to the Civil Hospital, Mukerian for



treatment. It was alleged by the complainant that the occurrence had been caused at the instance of Darshan Singh through his son and that the motive for the assault was the fact that his aunt being the Sarpanch had moved an application against Darshan Singh leading to his being restrained from illegally encroaching upon the village pond.

3. On the basis of these allegations FIR No. 96 dated 05.06.2017 under Sections 308, 323, 341, 120-B, 506 and 34 IPC was registered and investigation commenced. During investigation accused Jaskaran Singh was arrested on 29.06.2017, accused Gurmit Singh was arrested on 05.08.2017 and accused Jaswinder Singh was arrested on 16.08.2017. On an application moved by Darshan Singh an inquiry was conducted by the Deputy Superintendent of Police and he was found innocent whereupon the offence under Section 120-B IPC was deleted.

4. Subsequently, challan was filed and charges were framed against all the accused for the offences punishable under Sections 308, 323, 341, 506 and 34 IPC to which they pleaded not guilty and claimed trial. Consequently, the prosecution was called upon to lead evidence in support of the charges.

5. In order to prove its case, the prosecution examined following witnesses:-

<u>Name of witness</u>	<u>Examined as</u>
Dr. Gurinderpal Singh	PW-1



<i>Subash Kumar Draftsman</i>	<i>PW-2</i>
<i>Ravinder Singh (complainant)</i>	<i>PW-3</i>
<i>Dalbir Singh</i>	<i>PW-4</i>
<i>Hardev Kaur</i>	<i>PW-5</i>
<i>Ravi Dutt</i>	<i>PW-6</i>
<i>Harjinder Singh</i>	<i>PW-7</i>
<i>HC Tirath Singh</i>	<i>PW-8</i>
<i>Harpal Singh</i>	<i>PW-9</i>
<i>ASI Raghubir Singh</i>	<i>PW-10</i>

6. After closing the prosecution evidence, the statements of the accused were recorded under Section 313 CrPC. He denied the charges and pleaded false implication. However, no evidence was led by the accused in their defence.

7. Upon consideration of the submissions advanced by the prosecution as well as by the defence counsel, the trial Court acquitted the appellants of offences under Section 308 of the Indian Penal Code, 1860 and 307, 148, 149 and 120-B of the Indian Penal Code, 1860 and convicted the appellants for offences under Sections 323/34, 341 and 506 of the Indian



Penal Code, 1860 and sentenced the appellants to undergo concurrent sentences as mentioned above.

8. Aggrieved of the aforesaid judgment of conviction and order of sentence dated 27.8.2019, the appellants-accused have preferred the present appeal.

9. Learned counsel for the appellant at the very outset contends that the matter has already been settled between the parties and he thus prays for compounding of offence(s) in view of the compromise dated 11.02.2020.

10. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 12.09.2025 of this Court, to get their statements recorded regarding the compromise arrived at between the parties and a report in this regard was called for.

11. Pursuant to the said order, report has been received from the Sub-Divisional Judicial Magistrate, Mukerian vide Memo No. 817 dated 03.11.2025. The relevant extract of the report is reproduced as under:-

“3. In view of the above statements, the report is submitted as under:

I. Two persons were found involved as accused in the FIR, namely Jaskaran Singh @ Jassi and Darshan Singh. During inquiry, Darshan Singh was found innocent. During investigation, a total of three persons were found involved in the dispute, namely Jaskaran Singh @ Jassi, Gurmit Singh @ Jeet Singh and Jaswinder Singh @ Keshu.



- II. *There is only one complainant/victim in the present dispute/FIR, namely Ravinder Singh.*
- III. *Yes. All the accused and complainant/victim are parties to the compromise dated 11.02.2020 and they signed the same.*
- IV. *No affected person (accused or complainant) is left out or not arrayed as a party in the quashing petition before the Hon'ble High Court. There is no such person left out whose statement is still to be recorded, in compliance to the direction of the Hon'ble High Court.*
- V. *None of the accused has been declared as a proclaimed offender/person. No such proceedings against any accused have been initiated or are pending adjudication.*
- VI. *The compromise dated 11.02.2020 appears to be genuine and valid. The compromise appears to have been entered into by the parties voluntarily, out of their own free will and without any pressure, threat or coercion or undue influence.*
- VII. *No other aspect relevant to the present case is left out.”*

12. The learned counsel appearing on behalf of the appellants—accused has thus referred to the following mitigating circumstances for seeking relaxation in the sentence so awarded to him by the learned trial Court:-



- “(i) That the offence in question is alleged to have been committed in the year 2017. The appellants were young boys of about 25/27 years of age respectively at the time of the commission of the said offence.
- (ii) That the appellants-accused have already faced the agony of a protracted criminal trial for a period of nearly 8 years and have not indulged in the commission of any other offence since then.
- (iii) That none of the injuries that had been inflicted on the injured-complainant are grievous in nature and the offence under Section 308 of the Indian Penal Code, 1860 was not established. Hence, it was a punishment under Sections 323, 341 and 506 of the Indian Penal Code, 1860
- (iv) That the appellants-accused are now nearly 33/35 years of age respectively and that they have moved ahead in their lives and continuation of the proceedings would inflict irreparable harm to the petitioner’s livelihood and family obligations.
- (v) That compelling the appellants-accused to undergo the remainder of their substantive sentence of imprisonment would not be in the fitness of things.



- (vi) The parties had entered into a mutual settlement and the compromise deed is already on record as Annexure A-1. Acceptance of compromise shall restore harmony in the village.”

13. Learned counsel appearing on behalf of the State vehemently contends that the prosecution had duly established its case against the appellants–accused and that it is imperative that harsh punishment be imposed upon them so as to send a strict message to society. The punitive aspect of the punishment has a deterrent effect on society and effectively checks repetition of the offence by the accused and controls any allurements of other persons from foraying into the adventure.

14. Counsel for the complainant is not in a position to dispute the compromise between the parties and submits that he has no objection in compounding of offences.

15. I have heard the counsel appearing for the parties and have gone through the documents appended with the present petition.

16. At the outset, it is pertinent to refer that the Hon’ble Supreme Court in the case of ***Ramgopal v. State of M.P. reported as (2022) 14 SCC 531***, has held that although Section 320 CrPC governs statutory compounding, the High Court’s power under Section 482 CrPC extends beyond those limits. However, such extraordinary jurisdiction must be exercised with circumspection, having due regard to the nature and societal impact of the offence, the seriousness of any injury, the voluntary character of the compromise and the conduct of the accused before and after the



incident. The relevant extract of the judgment is as under:

11. *True it is that offences which are “non-compoundable” cannot be compounded by a criminal court in purported exercise of its powers under Section 320CrPC. Any such attempt by the court would amount to alteration, addition and modification of Section 320CrPC, which is the exclusive domain of legislature. There is no patent or latent ambiguity in the language of Section 320CrPC, which may justify its wider interpretation and include such offences in the docket of “compoundable” offences which have been consciously kept out as non-compoundable. Nevertheless, the limited jurisdiction to compound an offence within the framework of Section 320CrPC is not an embargo against invoking inherent powers by the High Court vested in it under Section 482CrPC. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482CrPC in aid to prevent abuse of the process of any court and/or to secure the ends of justice.*

12. *The High Court, therefore, having regard to the nature of the offence and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceedings, can quash such proceedings in exercise of its inherent powers under Section 482CrPC, even if the offences are non-compoundable. The*



High Court can indubitably evaluate the consequential effects of the offence beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system.

13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482CrPC would be to secure the ends of justice. There can be no hard-and-fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482CrPC may lead to rigid or specious justice, which in the given facts and circumstances of



a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in Narinder Singh v. State of Punjab [Narinder Singh v. State of Punjab, (2014) 6 SCC 466, para 29 : (2014) 3 SCC (Cri) 54] and Laxmi Narayan [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688, para 15 : (2019) 2 SCC (Cri) 706] .

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19. *We thus sum up and hold that as opposed to Section 320CrPC where the Court is squarely guided by the compromise between the parties in respect of offences “compoundable” within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482CrPC or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320CrPC. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind:*

19.1. *Nature and effect of the offence on the conscience of the society;*

19.2. *Seriousness of the injury, if any;*

19.3 *Voluntary nature of compromise between the accused*



and the victim; and

19.4 Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.

17. Considering the aforesaid factors, I am of the opinion that the present case is a fit case to invoke the powers under S. 482 of the CrPC.

18. Upon a holistic consideration of the circumstances, it emerges that the offence dates back to 2017 when the appellants, then aged merely 25 to 27 years, were young and impressionable. The injuries sustained by the complainant are not of a grievous nature. The appellants have already undergone the ordeal of a protracted criminal trial spanning nearly eight years and have maintained clean antecedents thereafter. They are now around 33 to 35 years of age, have stabilized their lives, and compelling them to undergo the remainder of their custodial sentence would cause irreparable prejudice to their livelihood and family obligations. The parties, without coercion, have voluntarily resolved their disputes through an amicable settlement, desiring to put the matter to rest. No untoward incident has been reported either before or after the compromise. Given that the parties belong to the same village or work in close proximity, acknowledging the settlement would advance peace and communal harmony. The administration of criminal justice would not be undermined by passing appropriate orders in light of the reformed conduct, present circumstances and the overarching interests of justice.

