



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

1

Reserved on : 26.02.2026
CRA-S-1949-2025 (O&M)
Pronounced on: 07.03.2026
Uploaded on : 09.03.2026

*Whether only operative part of the judgment is
pronounced or the full judgment is pronounced: operative part/full Judgment*

Deepak @ Radhey and others

...Appellant(s)

VERSUS

State of Haryana and others

...Respondent(s)

2

CRA-S-1916-2025 (O&M)

Devender @ Commando

... Appellant(s)

VERSUS

State of Haryana and others

...Respondent(s)

3

CRA-S-2115-2025 (O&M)

Sushil @ Pankaj @ Sheriya

... Appellant(s)

VERSUS

State of Haryana

...Respondent(s)

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

Present :- Mr. Bhanu Pratap Singh, Advocate
for the applicant(s)-appellant(s)
in CRA-S-1949-2025 and CRA-S-2115-2025.

Mr. Sardavinder Goyal, Advocate (through V.C.)
Mr. Nishant Sindhu, Advocate;
Mr. Sarwinder Goyal, Advocate
for the applicant(s)-appellant(s) in CRA-S-1916-2025.

Mr. Onkar Singh Wahla, Sr. DAG Haryana.

Mr. Amandeep Rana, Advocate
for private respondents (through V.C.).

VINOD S. BHARDWAJ, J.

1. Challenging the judgment of conviction dated 01.05.2025 and order of sentence dated 07.05.2025 passed by the Sessions Judge, Narnaul, these three appeals have been filed separately by the accused and the same are being decided by a common judgment.
2. It is pointed out by the counsel for the appellant in CRA-S-2115-2025 that the appellant in the said case is also appellant No.4 in CRA-S-1949-2025 and hence, **CRA-S-2115-2025** alongwith **CRM-46013-2025** is disposed of as having been rendered infructuous.

CRA-S-1949-2025 (O&M) and
CRA-S-1916-2025 (O&M)

3. A brief reference of the facts is however being made from **CRA-S-1949-2025** titled as ‘**Deepak @ Radhey and others Vs. State of Haryana and others**’.
4. The appellants have been sentenced as under:-

Under Section	Punishment	Fine (Rs.)	Sentence in default of payment of fine
148 I.P.C.	RI for 02 years each	1000/- each	RI for 01 month each
323/149 I.P.C.	RI for 01 year each	1000/- each	RI for 01 month each
341/149 I.P.C.	No imprisonment	500/- each	SI for 10 days each
506/149 I.P.C.	RI for 03 years each	2000/- each	RI for 02 months each
379-B/149 I.P.C.	RI for 10 years each	25,000/- each	RI for 06 months each

All the sentences were ordered to run concurrently.

5. The brief facts of the prosecution case, as emerging from the record, are that on 05.11.2021, a telephonic message was received at the concerned Police Station from the Police Control Room informing that Sahil, son of Jitender, and Surender, son of Ratipal, had been admitted to the hospital with injuries allegedly sustained in a quarrel. Upon receipt of the said information, SI Rajender, accompanied by HC Sanjay and Constable Satpal, proceeded to the hospital. The medico-legal reports (MLRs) of the injured persons were obtained, and the attending doctor declared them fit to make statements. Thereafter, Sahil submitted a written complaint. In his complaint, Sahil alleged that on 04.11.2021 at about 8:00–8:30 PM, certain persons, namely Pankaj @ Sheriya son of Jaivir, Deepak son of Makkhan, Kapil @ Yamraj son of Ashok, Devender @ Commando Badshah son of Mahesh Parjapat, Yash Bawaria, Deepak son of Bhup Singh @ Radhey, along with 3–4 other associates, had extended threats to kill him. It was further alleged that on 04.11.2021, while he was proceeding towards village Meghanwas to deliver sweets to his friend Arun on the occasion of Diwali, and upon reaching near the house of his uncle Surender Singh, accused Sushil @ Pankaj son of Jaivir chased him on a motorcycle and threatened him with dire consequences. The complainant stated that he thereafter continued towards village Meghanwas, and upon reaching near Meghanwas Chowk, he was encircled by accused Sushil @ Pankaj, Deepak @ Radhey son of Bhoop Singh, Deepak son of Makkhan Singh, Kapil @ Yamraj son of Ashok Kumar, and Devender @ Commando son of Mahesh. It was alleged that Deepak @ Radhey was armed with an iron rod, Deepak son of Makkhan with a danda, and Sushil @ Pankaj with an iron barchhi, and that they began

assaulting him. According to the complainant, Deepak @ Radhey inflicted a blow with an iron rod on his back, while Sushil @ Pankaj attempted to strike him on the head with the barchhi with the intention to kill him. The complainant claimed that he warded off the blow by extending his hand, resulting in injury to his right wrist. He further alleged that he managed to escape and ran towards the nearby fields, during which Kapil @ Yamraj threatened to shoot him with a firearm. It was further alleged that thereafter he informed his father about the incident and the injuries sustained, whereupon his father advised him to proceed to the hospital and assured him that he would join him there.

6. The complainant further alleged that his father and uncle subsequently disclosed to him that, while they were on their way to the hospital, they were intercepted by the accused persons near the dairy of Hari Om, the Sarpanch. It is stated that the accused attempted to assault them as well. Pankaj is alleged to have inflicted an iron rod blow on the head of the complainant's uncle, as a result of which the helmet worn by him was damaged. Thereafter, Deepak and the other assailants are stated to have assaulted the complainant's father and uncle. It is further alleged that during the course of the assault, Pankaj and his associates tore the pocket of the complainant's uncle and snatched a sum of Rs.38,000/-. Kapil is stated to have proclaimed that he would shoot them with a firearm. Fearing for their safety, the complainant's father allegedly directed his brother to enter the premises of Hari Om Sarpanch to save themselves. However, upon reaching there, they found the house locked. They parked their motorcycle outside and attempted to make a call for assistance. The complainant alleges that

while his father was attempting to contact the police by dialling No. 112, Pankaj forcibly snatched the mobile phone and struck his father on the forehead and head with a broken helmet. It is further alleged that Hari Om intervened, rescued the complainant's father, and allowed him to take shelter inside his house. When Hari Om demanded the return of the mobile phone, the accused allegedly refused and took it away. The accused persons are further alleged to have threatened that they would kill every member of the complainant's family after expelling them from the village. It is also alleged that when Kapil again attempted to assault them, the Sarpanch reprimanded the accused. In the meantime, Deepak son of Makkhan is stated to have exhorted others to set the motorcycle on fire, and by delivering a blow with a barchhi, damaged the mudguard and fuel tank of the motorcycle. Thereafter, the complainant's uncle managed to place a call to the emergency number 112, upon which the police arrived at the spot. The injured persons were subsequently taken to the hospital for medical treatment.

7. After completion of the investigation challan against the appellants was presented in the Court and copies of the same were supplied to the accused.

8. Upon consideration of the material placed on record and finding that a prima facie case was made out, the Trial Court framed charge against the appellants under Section 148, 323, 341, 427, 379B and 506 read with Section 149 of the Indian Penal Code, 1860. The appellants pleaded not guilty to the charge and claimed trial.

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

PW-1	Dr. Prag	Medical Officer
PW-2	Constable Satpal	Police official
PW-3	ASI Sanjay Singh	Police official
PW-4	Constable Charan Singh	Police official
PW-5	SI Ramanand	Police official
PW-6	Surender Singh	Victim
PW-7	Constable Satpal	Police official
PW-8	Sahil	Complainant/victim
PW-9	Jitender Singh	Victim
PW-10	Hari Om	Independent witness

10. Upon closure of prosecution evidence, while recording their statement under Section 313 Cr.P.C. the appellants when confronted with evidence appearing against them, denied all the evidence and pleaded false implication

11. The parties were heard by the trial Court and after considering the evidence adduced and the rival submissions advanced, the appellants were convicted for commission of offences under Sections 148, 323, 341, 379-B and 506 read with Section 149 of the Indian Penal Code, 1860 and sentenced as above. Hence, the present appeals.

12. At the threshold, learned counsel appearing on behalf of the appellants submit that the appeals against the impugned judgment of conviction were admitted by this Court vide separate orders dated 13.06.2025 and 05.06.2025 respectively. It is further contended that during the pendency of the present appeals, the appellants have entered into an amicable settlement with the complainant as well as the injured persons. In view of the said compromise, duly arrived at between the parties, learned

counsel prays that the offences in question be permitted to be compounded in accordance with law.

13. In order to ascertain the genuineness of the compromise so placed on record, this Court, vide separate orders dated 03.12.2025, 09.01.2026 and 15.01.2026 respectively, directed the parties to appear before the Court of the learned Illaqa Magistrate/Trial Court for recording their respective statements. The learned Magistrate was further directed to verify whether the compromise had been entered into freely and without any coercion, undue influence or misrepresentation, and to submit a report in this regard to this Court.

14. Pursuant there, a report has been received from the Judicial Magistrate First Class, Mohindergarh vide memo no. 124 dated 29.01.2026.

The same is extracted as under :

“In view of the aforementioned orders of the Hon'ble High Court, parties concerned have appeared before the undersigned on 16.01.2026 being Illaqa Magistrate and in compliance of said orders of the Hon'ble High Court, statements of the parties concerned regarding factum of genuineness of compromise effected between them recorded. Further, statement of SHO/SI Ramesh Kumar, PS Sadar Mohindergarh with regard to following facts got recorded: (i) Total number of persons found involved as accused in the dispute; (ii) Number of complainant/ victim(s); (iii) Whether any accused has been declared as a proclaimed offender/ person or any such proceedings against him/her have been initiated or pending adjudication, also recorded.

Further, in compliance of directions of the Hon'ble High Court, Chandigarh, requisite report also got prepared. From the statements of the parties concerned, the compromise

appears to be genuine, voluntary, without any coercion or undue influence and out of free will of the parties concerned. The report and statements of parties concerned as well as statement of SHO Investigating Officer concerned are being forwarded to your good-self for onward transmission to the Hon'ble High Court of Punjab & Haryana at Chandigarh. ”

15. Learned State counsel, opposing the prayer for compounding, submits that the offences for which the appellants stand convicted are of a serious and grave nature, involving allegations of armed assault, criminal intimidation and attempt to cause fatal injuries. It is contended that such offences have a direct bearing on public order and societal peace and cannot be treated as mere private disputes between individuals. It is further submitted that the offences in question are non-compoundable under the provisions of the Code of Criminal Procedure. In the present case, the offences alleged do not fall within the ambit of compoundable offences as enumerated in the relevant statutory provisions. Learned State counsel thus argues that the compromise entered into between the appellants and the complainant, even if genuine, cannot ipso facto result in compounding of the offences, particularly when the nature of allegations discloses elements of violence and threat to life.

16. Mr. Amandeep Rana, Advocate appears on behalf of private respondents and reiterates the fact of compromise arrived at between the parties and has no objection to nullification of the criminal proceedings against the appellants.

17. Counsel for the appellant(s) argues that in so far as the offence under Section 379-B of the Indian Penal Code, 1860 is concerned, the same

are not made out, hence, the conviction of offence under Section 379-B of the Indian Penal Code, 1860 is thus liable to be set aside. Other offences, in view of the settlement, would be compoundable.

18. He contends that the allegation of snatching of Rs.38,000/- is not proved on record. The other allegation is that the phone was also snatched and not returned. The charge of snatching having not been established, the conviction be set aside.

19. Counsel for the private-respondents/complainant raise no dispute to the abovesaid factum and contend that matter has already been resolved amongst the parties.

20. Having heard counsel for the parties and on going through the record, the charge under Section 379-B of the Indian Penal Code, 1860 and the conviction for the same deserves to be set aside.

21. In so far as the allegations pertaining to the incident of snatching of Rs.38,000/- is concerned, the Sessions Court has itself held the said incident to be doubtful after noticing the discrepancies in the statement of PW's and the absence of recovery. The charge has been held to be proved in relation to the snatching of phone and its recovery from Sushil @ Pankaj @ Sheriya.

22. In this regard, it is noticeable that none of the PW's give any description of the make, model or brand of the mobile handset. There is also no disclosure of the IMEI number or mentioning of the sim card. No CAF or other details have been collected or led in evidence to prove that the recovered mobile actually belonged to the victim. There is also no mention of any personal data or pictures etc. recovered from the mobile, which may

have, served as secondary evidence to link the mobile to the victim. No bill or invoice has also been proved. The charge has been proved only on identification of the phone by the victim which is only a self serving and supporting statement but it does not prove that the case property was actually owned by the complainant.

23. There is no other distinctive feature whereby a phone may be identified as each phone of same brand and class would be identical in all applications and features. No explanation has also been forwarded as to why these primary documents as a proof were not collected or proved.

24. Under such conditions, it may not be said conclusively that the incident of snatching of phone has been proved beyond reasonable doubt. A mere recovery of 'a phone' would not be sufficient to drive home guilt unless it is established that 'the phone recovered' is 'the phone snatched' by leading and referring to unimpeachable evidence and not just a strong probability, suspicion, possibility or probability, even if strong, do not dispense the burden of proof. Indeed, identification of phone by the owner is a proof but in the absence of any specific distinctive feature which would make the phone separate from the phones of the same brand/make or series, identification done may render the recovery not being linked to the crime. The benefit of doubt thus deserves to be extended in favour of the appellants. The judgment of conviction dated 01.05.2025 and order of sentence dated 07.05.2025 passed by the Sessions Judge, Narnaul whereby the appellants have been sentenced for offence under Section 379-B of the Indian Penal Code, 1860 thus deserves to be set aside. The appeals deserve acceptance to the above extent.

25. The issue thus survives only with respect to the offences under Section 148/149/323/341 and 506 of the Indian Penal Code, 1860. Undisputedly, the parties have entered into a settlement and resolved their dispute. The settlement is also voluntary and without any undue influence, coercion or pressure.

26. From a perusal of the facts and circumstances of the present case, it transpires that:

- A. The dispute emanates from a sudden quarrel between parties belonging to the same village and appears to have arisen out of personal animosity rather than any premeditated or organized criminal design affecting the public at large.
- B. The incident occurred on 04.11.2021 and a substantial period has elapsed since then. During the intervening period, there is no allegation of repetition of similar conduct between the parties.
- C. The complainant and the injured persons have voluntarily entered into a compromise with the appellants and have expressed their lack of desire to pursue the matter further, indicating restoration of social harmony and peaceful coexistence within the village community.
- D. The parties are residents of the same locality, and continuation of criminal proceedings is likely to perpetuate discord and disturb communal peace, whereas acceptance of the compromise would promote reconciliation.

E. The alleged injuries, as per the prosecution version, though caused by blunt and sharp weapons, did not result in fatal consequences, and the injured persons have since recovered.

F. The compromise reflects a reformatory and conciliatory approach, consistent with the broader principles of restorative justice, particularly where the victims themselves seek closure.

27. Insofar as the permissibility of compounding on the basis of a compromise is concerned, a Full Bench of this Court in ***Kulwinder Singh v. State of Punjab, (2007) 3 RCR (Cri) 1052***, held that the High Court, in exercise of its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, possesses the power to permit compounding of even non-compoundable offences and to quash criminal proceedings, where it is satisfied that such exercise is necessary to prevent abuse of the process of law or otherwise to secure the ends of justice.

28. In view of the mitigating circumstances pointed above and having examined the law laid down by the Full Bench of this Court on the subject, I am of the opinion that the present case falls within the category where the extraordinary jurisdiction may be exercised to give effect to the settlement arrived at between the parties.

29. While serious and heinous offences having a pronounced impact on society ought not to be quashed merely on the basis of compromise, disputes which are predominantly personal in nature, arising out of private discord and not affecting public peace at large, may be brought to a quietus if the parties have genuinely resolved their differences. The guiding consideration is whether the continuation of proceedings would

serve any meaningful purpose or would instead amount to abuse of the process of law, and whether quashing would advance the ends of justice.

30. In the present case, the genesis of the occurrence lies in a village-level altercation between parties known to each other. The injured persons have without any coercion entered into a compromise with the appellants. The said compromise has been verified by the learned Illaqa Magistrate pursuant to the directions of this Court, and there is nothing on record to suggest that it is either sham or the product of undue influence. The injured persons have unequivocally expressed their desire not to pursue the matter further.

31. Further, the mitigating circumstances, including the lapse of time since the incident, the absence of criminal antecedents and the restoration of social harmony between the parties, weigh in favour of adopting a pragmatic and reformatory approach. The object of criminal law is not merely punitive but also conciliatory where the facts so permit. I am of the opinion that further continuation of the proceedings, in the face of a genuine and voluntary compromise, would serve little purpose and may instead perpetuate bitterness between the parties.

32. Thus, keeping in view the law declared by the Full Bench of this Court and the peculiar facts and mitigating factors of the present case, I deem it a fit case where the offences in question deserve to be compounded in view of the compromise, so as to secure the ends of justice and restore lasting peace between the parties.

33. In view of the report submitted by the Judicial Magistrate First Class, Mohindergarh and having regard to the settled principles laid down

by the Full Bench of this Court on the subject, the instant appeals are allowed. The judgment of conviction dated 01.05.2025 and order of sentence dated 07.05.2025 passed by the Sessions Judge, Narnaul are set aside and all other consequential proceedings arising therefrom **are hereby quashed** in view of the compromise entered into between the parties but subject to payment of a cost of Rs.10,000/- to be deposited by each of the appellant(s) with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within a period of two months of receipt of a certified copy of the judgment.

CRM-47006-2025 in CRA-S-1949-2025
CRM-52264-2025 in CRA-S-1916-2025

In view of the above judgment passed in both the appeals, the instant applications for compounding the offence(s) also stand disposed of.

CRM-46262-2025 in CRA-S-1949-2025
CRM-25053-2025 in CRA-S-1916-2025

In view of the above judgment passed in both the appeals, the instant applications for suspension of remaining sentence of the applicant(s)-appellant(s) also stand disposed of.

CRM-759-2026 in CRA-S-1916-2025

In view of the above judgment passed in main appeal, the instant application also stands disposed of.

(VINOD S. BHARDWAJ)
JUDGE

07.03.2026
Mangal Singh

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