
(2010) 05 P&H CK 0015
In the Punjab And Haryana At Chandigarh

Pappu Singh and Others

APPELLANT

Vs

The State of Haryana

RESPONDENT

Date of Decision : 06-05-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 307, 323, 324, 325, 326

Citation : (2010) 05 P&H CK 0015

Hon'ble Judges : Kanwaljit Singh Ahluwalia, J

Bench : Single Bench

Judgement

Kanwaljit Singh Ahluwalia, J.

CM No. 23263 of 2010

1. CM is allowed. Compromise (Annexure A-1) is taken on record.

Crl. Appeal No. 2045-SB of 2002

2. The present appeal has been preferred by eight persons namely Pappu Singh, Umed Singh, Dharam Pal, Bahadur Singh, Ballu, Raj Kumar, Ram Avtar Singh and Hari Singh. They were named as accused in case FIR No. 46 dated 01.02.1997 registered at Police Station Jatusana under Sections 323/324/325/326/307 IPC. The trial Court found that no offence u/s 307 IPC was made out. Appellant Hari Singh, Ballu, Ram Avtar and Raj Kumar were released on probation. It is stated that they have completed the period of probation. Pappu Singh, Umed Singh, Bahadur Singh and Dharampal were sentenced as under:

Sr. Name u/s Sentence Fine In-defaultNo. 1 Pappu 326 IPC 5 years R.I. 2000/- Six months (convict) 323 IPC 1 years R.I. 500/- Three months 2 Umed 325 IPC 3 years R.I. 1000/- Four months (convict) 323 IPC 1 years R.I. 500/- Six months 3 Bahadur 324 IPC 3 years R.I. 1000/- Fourmonths (Convict) 4 Dharampal 324 IPC 2 years R.I. 1000/- Three months

3. All the substantive sentences were ordered to run urrently.

4. FIR Ex.PB/1 in the present case was registered on the basis of statement Ex.PB made by Kanwar Singh PW-7. Occurrence has taken place on 30.1.1997 at about 1 PM. At that time, complainant Kanwar Singh was unloading stones from a Camel-Cart. This was objected to by Hari Singh and Bhikhu. Pappu accused appellant arrived armed with farsi and caused a blow from its blunt side on the back of Kanwar Singh. Ballu caused a lathi blow on the left side wrist of complainant and another lathi blow on his left hand which hit him on the little finger. Nepal Singh brother of complainant reached there and made an attempt to rescue complainant. At that time, Dharampal caused a farsi blow on the head of Nepal Singh. Kanwar Singh and Nepal Singh raised a noise. Hari Singh grappled with Suraj Bhan father of Kanwar Singh whereas accused Ram Avtar gave a lathi blow to him. At that time Bimla wife of the complainant Kanwar Singh also came at the spot. Another Bimla wife of Nepal Singh also came there. Accused Raj Kumar caused a lathi blow to Bimla wife of Kanwar Singh. Accused Bahadur caused a farsi blow on the head of Bimla wife of Nepal Singh. Thereafter, there was a fight between the parties.

5. Today an application viz. a Crl. Misc. No. 23263 of 2010 has been preferred in the present case for placing on record a compromise deed as Annexure A-1. It is allowed and the compromise deed is taken on record.

6. Sh. Sunil Panwar, Advocate appearing for the appellants has stated that accused are members of the same family and due to intervention of the respectables, a compromise has been arrived between the parties.

7. Sh. S.K. Chauhan, Advocate has caused appearance for the complainant--party. It is stated that Kanwar Singh and Ram Chander are present today in Court. Counsel for the complainant has stated that compromise has been effected between the parties. Sh. Chauhan has further drawn my attention to the compromise deed, which is in vernacular and has been signed by Ram Chander, Kanwar Singh, Suraj Bhan, Nepal Singh, Prem wife of Umed Singh, Bimla wife of Kanwar Singh, Bimla wife of Nepal Singh. It is stated that parties have settled the dispute amicably in order to promote everlasting peace, amity and harmony between them. He has also stated that his statement at the Bar be noted that parties are living amicably and they stand-by the compromise. Out of the five appellants, four appellants Hari Singh, Ballu, Ram Avtar and Raj Kumar were already released on probation and they have completed the period of probation. Conviction of Pappu is u/s 326 and 323 IPC. Umed has been sentenced u/s 325 and 323 IPC. Bahadur and Dharampal have been sentenced u/s 324 IPC. In the present case, occurrence has taken place in the year 1997. A period of 13 years is going to elapse.

8. Counsel for the parties submit that from the last 13 years, no incident has taken place between the parties and parties are maintaining complete peace. It is further stated that in case, after the compromise, anybody is sent behind the bar, it may disturb the peace between the parties.

9. Pappu appellant is stated to have undergone two years, two months and two days of actual sentence out of total sentence of 5 years awarded by the trial Court. It is stated that other appellants have also undergone few days of their actual sentence.

10. Taking into consideration the fact that parties have arrived at a compromise and they are not involved in any other case, this Court is of the view that ends of justice will be fully met in case sentence awarded upon the appellant Pappu Singh is reduced to already undergone. However, there is no distinction as to why probation could not be granted to the appellant Umed, Bahadur and Dharampal as has been granted by the trial Court to appellants Hari Singh, Ballu, Ram Avtar and Raj Kumar. Since period of 13 years has elapsed and these appellants have committed no offence and are leading life of honest and peaceful citizen. This Court is of view that release of these appellants on probation may further complicate the life of appellants. Hence the sentence awarded to them is also reduced to already undergone.

Disposed of.