

Dalbir and Others Vs. State of Haryana

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Court : Punjab and Haryana

Decided On : May-28-2014

Appellant : Dalbir and Others

Respondent : State of Haryana

Judgement :

CRA NO.S-2216-SB OF2010O&M) -1- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRA NO.S-2216-SB OF2010O&M) DECIDED ON : 28.05.2014 Dalbir and others ...Appellants versus State of Haryana ...Respondent and CRA NO.S-2220-SB OF2010O&M) Harmesh and others ...Appellants versus State of Haryana ...Respondent CORAM : HON'BLE Mr.JUSTICE K.C.PURI Present : Mr.B.S.

Walia, Advocate, for the appellants in CRA No.S-2216-SB of 2010.

Mr.R.M.

Singh, Advocate, for the appellants in CRA No.S-2220-SB of 2010.

Mr.S.S.

Goripuria, DAG, Haryana.K.C.

PURI, J.

(ORAL) Vide this common judgment, I intend to dispose of two appeals bearing CRA No.S-2216-SB of 2010 titled as Dalbir and others versus State of Haryana.

and CRA No.S-2220-SB of 2010 titled as, Harmesh and others versus State of Haryana., Bhatia Shalini 2014.06.04 14:41 I attest to the accuracy and integrity of this document High Court Chandigarh CRA NO.S-2216-SB OF2010O&M) -2- as the same have arisen out of common FIR No.137 dated 29.07.2008 under Sections 148/149/323/324/307 of the Indian Penal Code registered at Police Station Chhainsa.

The learned trial Court after appraisal of the evidence, convicted the accused/appellants Dalbir, Surender and Amit vide judgment of conviction dated 28.08.2010 and order of sentence dated 30.08.2010 and sentenced them to undergo rigorous imprisonment and fine as under :- Name of Offence u/s Period of Fine imposed Period of accused sentence sentence in default of payment of fine Surender 323/34 IPC Six months Rs.1000/- 15 days 325/34 IPC Three years Rs.5000/- Three months Dalbir Singh 323/34 IPC Six months Rs.1000/- 15 days 325/34 IPC Three years Rs.5000/- Three months Amit 323/34 IPC Six months Rs.1000/- 15 days 325/34 IPC Three years Rs.5000/- Three months In the cross-version, the trial Court convicted the accused/appellants Harmesh, Man Singh and Neeraj vide judgment of conviction dated 28.08.2010 and order of sentence dated 30.08.2010 and sentenced them to undergo rigorous imprisonment and fine as under :- Name of the Offence u/s Period of Fine imposed Period of accused sentence sentence in default of payment of fine Harmesh 323/34 IPC Six months Rs.1000/- 15 days ` 326/34 IPC Four years Rs.10,000/- Four months Man Singh 323/34 IPC Six months Rs.1000/- 15 days 326/34 IPC Four years Rs.10,000/- Four months Neeraj 323/34 IPC Six months Rs.1000/- 15 days 326/34 IPC Four years Rs.10,000/- Four months Bhatia Shalini 2014.06.04 14:41 I attest to the accuracy and integrity of this document High Court Chandigarh CRA NO.S-2216-SB OF2010O&M) -3- Feeling dissatisfied with the above said judgments of conviction and orders of sentence, the accused/appellants in both the appeals, referred to above, have preferred their separate appeals.

During the pendency of both the appeals, the parties have entered into compromise and affidavits of Harmesh, Man Singh, Dalbir Singh, Amit, Surender, Neeraj and Asha have been placed on record.

Learned State counsel was directed to verify the factum of compromise.

Learned State counsel, on instructions from ASI Sajjan Kumar, has stated at the bar that the matter has been compromised.

The statements of parties have also been placed on record.

This Court in authority Lal Chand versus The State of Haryana.

2009 (5) RCR (Criminal) 838 and Chhota Singh versus State of Punjab.

1997 (2) RCR (Criminal) 392, allowed the compounding of offence after conviction even under Section 326 IPC.

The Full Bench of this Court in para 28 of the judgment passed in Kulwinder Singh and others versus State of Punjab and others.

2007 (3) RCR (Criminal) 1052, has held as under :- 28.

The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour.

It is the soul of justice and if the power under Section 482 of the Cr.P.C is used to enhance such a compromise Bhatia Shalini 2014.06.04 14:41 I attest to the accuracy and integrity of this document High Court Chandigarh CRA NO.S-2216-SB OF2010O&M) -4- which, in turn, enhances the social amity and reduces friction, then it truly is finest hour of justice. Since the parties have arrived at a compromise so it would be in the interest of the parties to live peaceful life.

In these circumstances, both the appeals stand accepted.

All the accused-appellants stand acquitted from all the charges levelled against them, in view of the compromise.

Disposed of.

MAY27 2014 (K.C.PURI) shalini JUDGE Bhatia Shalini 2014.06.04 14:41 I attest to the accuracy and integrity of this document High Court Chandigarh

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