

(2014) 05 P&H CK 0194

High Court Of Punjab And Haryana At Chandigarh

Case No: CRA Nos. S-2216-SB of 2010 (O&M)

Dalbir

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: May 28, 2014

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Penal Code, 1860 (IPC) - Section 148, 149, 307, 323, 324

Hon'ble Judges: Karam Chand Puri, J

Bench: Single Bench

Advocate: B.S. Walia, Advocate in CRA No. S-2216-SB of 2010, Advocate for the Appellant; R.M. Singh, Advocate in CRA No. S-2220-SB of 2010 and Mr. S.S. Goripuria, DAG, Haryana, Advocate for the Respondent

Final Decision: Allowed

Judgement

K.C. Puri, J.

Vide this common judgment, I intend to dispose of two appeals bearing CRA No. S-2216-SB of 2010 titled as "Dalbir and others vs. State of Haryana" and CRA No. S-2220-SB of 2010 titled as, "Harmesh and others vs. State of Haryana", 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.

2. 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:-

3. 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:-

4. 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.

5. 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.

6. 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.

7. This Court in authority [Lal Chand Vs. The State of Haryana,](#) and "Chhota Singh vs. State of Punjab" 1997 (2) RCR (Criminal) 392, allowed the compounding of offence after conviction even u/s 326 IPC.

8. The Full Bench of this Court in para 28 of the judgment passed in [Kulwinder Singh and Others Vs. State of Punjab and Another,](#), 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 u/s 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice.

9. 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.

10. Disposed of.