



CRM-43109-2024 in/and CRA-S-2651-SB-2009

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CRM-43109-2024 in/and
CRA-S-2651-SB-2009
Date of decision : 09.09.2025**

Jaspal Singh and another

....Appellants

Versus

Kuldip Singh & Baljinder Singh(deceased)
through his LR's

.... Respondent

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Dr. Puneet Kaur Sekhon, Advocate for the appellants

Mr. Rishabh Singla, AAG, Punjab.

H.S. Grewal, J.(Oral)**CRM-43109-2024**

This application has been filed for setting aside conviction and sentence passed by Id. Addl. Sessions Judge, Amritsar vide judgment dated 03.10.2009 in private complaint case on the basis of compromise arrived at between the parties.

For the reasons stated in the application, the same is allowed and the main case is taken on Board today itself.

CRA-S-2651-SB-2019

1. This appeal has been filed by the appellants against the judgment of conviction and order of sentence dated 23.10.2009 whereby appellants were sentenced to undergo rigorous imprisonment for a period of three years and to



pay fine of Rs. 2,000/- each. In default of payment of fine, they shall further undergo rigorous imprisonment for three months each.

2. Vide order dated 02.05.2023, learned counsel appearing on behalf of the appellant(s) as well as the complainant jointly stated that they had entered into a compromise in the present case. Consequently, this Court had directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded with regard to the compromise in the present case.

3. In compliance of the order dated 02.05.2023 passed by this Court, a report has been received from the Judicial Magistrate, Ist Class, Amritsar to the effect that the matter has been compromised between the parties and the report is genuine, voluntary and without any coercion or undue influence.

4. Learned counsel for the appellants submits that during the pendency of the appeal before this Court, both the parties have entered in the compromise wherein it has been mentioned that they want to live in peace and harmony and have not objection if the sentence is reduced to the already undergone. She further submits that in the present case, besides complainant, his father, who also suffered injuries in the incident has signed the compromise. Learned counsel for the appellant contends that she is not assailing the impugned judgment of conviction dated 23.10.2009 on merits and restricts her prayer qua modification of the order on quantum of sentence, to the period as already undergone by the appellants, as they have already undergone a sentence of more than one month out of the awarded sentence of 03 years. She further prays that since the complaint in question pertains to the year 2008, a lenient view may be taken while passing an order on quantum by this Court.



5. On the other hand, learned State counsel opposes the prayer of the appellant by way of filing of short reply on the ground that the compromise effected between the petitioners and complainant after a period of more than 07 years of conviction of the present appellants and furthermore the offence under Section 307 IPC is non-compoundable offence and there is no provision in law for effecting compromise with respect to this offence after conviction.

6. I have heard learned counsel for the parties and have gone through the material placed on record.

7. The complaint in the present case pertains to the year 2008 and he has already faced the rigors of the trial for more than 17 years.

8. Hon'ble the Supreme Court in "*Deo Narain Mandal Vs. State of UP*", (2004) 7 SCC 257, has held that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, the manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

9. Further, a two-Judge Bench of the Hon'ble Supreme Court in *Ravada Sasikala Vs. State of AP*, AIR 2017 SC 1166, has held that the imposition of sentence also serves a social purpose, as it acts as a deterrent by



making the accused realise the damage caused not only to the victim, but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner, in which the crime was committed and conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

10. A perusal of the judgment of conviction passed by the learned trial Court indicates no perversity in its findings and the same is based on correct appreciation of evidence available on record. Since, learned counsel for the appellants has not assailed the judgment of conviction on merits, rather restricted the prayer only qua modification of quantum of sentence to that of the sentence already undergone by the appellants. Learned counsel for the appellants further submits that compromise has been effected between the parties and respondents have no objection if the appellants be acquitted from the present case. Moreover, the matter has been compromised between the parties in view of the report submitted by Judicial Magistrate, Ist Class, Amritsar .

11. As far as the question of quantum of sentence is concerned, it is worthwhile to note that the occurrence in this case pertains to the year 2008. The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. The appellants have already suffered the agony of protracted trial, spanning over a period of more than 17 years and has been in the corridors of the court for this prolonged period. He remained incarcerated for more than one month. In view of the facts noted



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above, the case of the appellants deserve to be dealt with leniency. The appellants also deserve the benefit of the consistent view taken by this court in this regard. Thus, guided by the judicial pronouncements made by the Hon'ble Supreme Court in the cases of *Haripada Das Vs. State of West Bangal* reported in (1998) 9 SCC 678 and *Alister Anthony Pareira vs.* [2023:RJ-JD:28174] (5 of 5) [CRLR-755/2003] *State of Maharashtra* reported in 2012 2 SCC 648 and considering the facts and circumstances of the case, age of appellants, their status in the society and the fact that they faced financial hardship and had to go through mental agony, this court is of the view that ends of justice would be met, if sentence imposed upon the appellants is reduced to the one already undergone by them.

12. Accordingly, judgment of conviction and order of sentence dated 23.10.2009 passed by the learned Additional Sessions Judge, Amritsar is affirmed but the quantum of sentence awarded by the Court concerned has been modified and reduced to the period of sentence they have undergone till date would be sufficient and justifiable to serve the interest of justice. The appellants are on bail. They need not surrender. Their bail bonds are discharged.

13. With these modifications, the present appeal is disposed of.

14. Pending application(s), if any, shall also stand disposed of.

(H.S.GREWAL)
JUDGE

09.09.2025

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