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**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

- 1. CRR-693-2005 (O&M)**

Karam Singh ... Petitioner

Versus

Nirmal Singh & others ... Respondents
- 2. CRA-S-1746-SB-2004 (O&M)**

Nirmal Singh ... Appellant

Versus

State of Punjab ... Respondent
- 3. CRA-S-2058-SB-2004 (O&M)**

Shamsher Singh ... Appellant

Versus

State of Punjab ... Respondent
- 4. CRA-S-254-SB-2005 (O&M)**

State of Punjab ... Appellant

Versus

Nirmal Singh & another ... Respondents
- 5. CRM-A-551-MA-2004 (O&M)**

State of Punjab ... Appellant

Versus

Gurdev Singh & others ... Respondents

**Date of Decision:- 22.01.2025**



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**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL  
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Ms. Kirandeep Kaur, Advocate, for  
Mr. Kamaldip Singh Sidhu, Advocate,  
for the applicant/petitioner(s) in CRR-693-2005.

Mr. K.S. Hissowal, Advocate,  
for the appellant in CRA-S-1746-2004 and  
for respondents No.1, 4, 5 and 6 in CRR-693-2005.

Mr. Pratap Singh Gill, Ms. Eknor Kaur Sra &  
Ms. Harmilonjot, Advocates,  
for the appellant in CRA-S-2058-SB-2004 and  
for respondent No.2 in CRR-693-2005.

Mr. Siddharth Attri, Addl.A.G., Punjab.

**GURVINDER SINGH GILL, J.**

1. This judgment shall dispose of above-mentioned set of 4 appeals and a revision petition. The details of which are stated herein under:

*Appeals against conviction:*

| Case No.           | Parties Name                             | Findings of the trial Court   | Relief Sought             |
|--------------------|--|---|---------------------------|
| CRA-S-1746-SB-2004 | Nirmal Singh<br>Vs.<br>State of Punjab   | Convicted and sentenced to undergo RI for 7 years under Section 307 IPC | Appellant seeks acquittal |
| CRA-S-2058-SB-2004 | Shamsher Singh<br>Vs.<br>State of Punjab | Convicted and sentenced to undergo RI for 7 years under Section 307 IPC | Appellant seeks acquittal |

*State appeal against acquittal:*

|                   |  |                             |   |
|-------------------|--|-----------------------------|---|
| CRM-A-551-MA-2004 | State of Punjab<br>Vs.<br>1. Gurdev Singh (expired)<br>2. Kewal Singh,<br>3. Ajit Singh (expired)<br>4. Jassan Singh | Respondents stand acquitted | State seeks setting aside of respondents' acquittal and for convicting them |
|-------------------|--|-----------------------------|---|

*State appeal for enhancement of sentence:*

|                  |  |   |  |
|------------------|--|---|--|
| CRA-S254-SB-2005 | State of Punjab<br>Vs.<br>1. Nirmal Singh<br>2. Shamsher Singh | Respondents stand convicted and sentenced to undergo RI for 7 years | State seeks enhancement of sentence imposed upon the respondents |
|------------------|--|---|--|



Revision by injured/victim:

|              |   |   |  |
|--------------|---|---|--|
| CRR-693-2005 | Karam Singh<br>Vs.<br>1. Nirmal Singh<br>2. Shamsher Singh<br>3. Gurdev Singh (expired)<br>4. Kewal Singh<br>5. Ajit Singh (expired)<br>6. Jassan Singh<br>7. State of Punjab | Respondents No.1 & 2 stand convicted, whereas respondents No.3 to 6 stand acquitted | Injured/victim – Karam Singh seeks enhancement of sentence imposed upon two convicts, namely, Nirmal Singh (respondent No.1) & Shamsher Singh (respondent No.2) <b>AND ALSO</b> seeks conviction of the remaining respondents except respondent No.7 apart from seeking compensation |
|--------------|---|---|--|

2. The matter arises out of FIR No.6 dated 04.06.2001 registered at Police Station Kot Ise Khan, under Sections 307, 447, 148, 149 IPC & 27 of the Arms Act lodged at the instance of Ikattar Singh (Akatar Singh), wherein he alleged that on account of land dispute, the accused, namely, Nirmal Singh, Shamsher Singh, Gurdev Singh, Kewal Singh, Ajit Singh and Jassan Singh had inflicted injuries with the help of fire arms to the complainant (Ikattar Singh), Karam Singh, Daljit Singh and Karnail Singh. All the said six accused were tried by the Court of learned Additional Sessions Judge (Ad hoc), Fast Track Court, Faridkot. Vide judgment of conviction and order of sentence dated 12.08.2004, learned Additional Sessions Judge while convicting and sentencing two of the accused, namely, Nirmal Singh and Shamsher Singh to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.1000/- each for an offence under Section 307 IPC, acquitted the remaining accused, namely, Gurdev Singh (since expired), Kewal Singh, Ajit Singh (since expired) and Jassan Singh of all the charges framed against them.



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3. As noticed above, the accused, who were convicted, namely, Nirmal Singh and Shamsher Singh filed separate appeals i.e. CRA-S-1746-SB-2004 and CRA-S-2058-SB-2004 respectively challenging their conviction, whereas the State has filed two separate appeals i.e. CRA-S-254-SB-2005 seeking enhancement of sentence as imposed upon two convicts/accused, namely, Nirmal Singh and Shamsher Singh and CRM-A-551-MA-2004 seeking setting aside of acquittal of the remaining four accused, namely, Gurdev Singh (since expired), Kewal Singh, Ajit Singh (since expired) and Jassan Singh. Victim – Karam Singh has also preferred a separate revision petition i.e. CRR-693-2005 seeking enhancement of sentence as imposed upon two accused, namely, Nirmal Singh and Shamsher Singh and also seeking conviction of the remaining four accused, who have been acquitted by the trial Court.
4. It may here be mentioned that Gurdev Singh and Ajit Singh (respondents No.3 and 5 in CRR-693-2005) were reported to have expired and consequently, proceedings qua them stand abated vide order dated 10.12.2024.
5. During the pendency of aforesaid appeals/revision, the parties have entered into a compromise. By way of CRM-2203-2025 in CRA-S-2058-SB-2004, the applicant/appellant seeks permission to place on record compromise deeds dated 29.07.2024, which is also listed today itself along with main appeals/revision. Since the said compromise deeds are not disputed by learned counsel representing the injured/victim, the same



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are taken on record as Annexure A-1 (collectively). The details of the compromise deeds are as under:

|       |   |
|-------|---|
| (i)   | Compromise deed effected between complainant - Akatar Singh (Ikattar Singh) <b>AND</b> Shamsher Singh (convict), Nirmal Singh (convict), Kewal Singh and Jassan Singh, wherein it is specifically recorded that the parties have amicably resolved their issues with the intervention of relatives and respectable and that they have no objection if the entire proceedings are quashed on the basis of compromise.                                      |
| (ii)  | Compromise deed effected between injured/victim – Daljit Singh <b>AND</b> Shamsher Singh (convict), Nirmal Singh (convict), Kewal Singh and Jassan Singh, wherein it is specifically recorded that the parties have amicably resolved their issues with the intervention of relatives and respectable and that they have no objection if the entire proceedings are quashed on the basis of compromise.   |
| (iii) | Compromise deed effected between injured/victim – Karnail Singh <b>AND</b> Shamsher Singh (convict), Nirmal Singh (convict), Kewal Singh and Jassan Singh, wherein it is specifically recorded that the parties have amicably resolved their issues with the intervention of relatives and respectable and that they have no objection if the entire proceedings are quashed on the basis of compromise.  |
| (iv)  | Compromise deed effected between Gurjant Singh, son of injured/victim – Karam Singh (petitioner in CRR-693-2005) <b>AND</b> Shamsher Singh (convict), Nirmal Singh (convict), Kewal Singh and Jassan Singh, wherein it is specifically recorded that the parties have amicably resolved their issues with the intervention of relatives and respectable and that they have no objection if the entire proceedings are quashed on the basis of compromise. |

6. Hon'ble the Supreme Court in a judgment reported as Ishwar Singh Vs. State of Madhya Pradesh, (2008) 15 SCC 667, has held that where a compromise has been arrived at between the parties, while upholding the



conviction, the sentence can be reduced to the period already undergone.

The relevant paragraphs are reproduced below:

- “15. In our considered opinion, it would not be appropriate B to order compounding of an offence not compoundable under the Code ignoring and keeping aside statutory provisions. In our judgment, however, limited submission of the learned counsel for the appellant deserves consideration that while imposing substantive sentence, the factum of compromise between the parties is indeed a relevant circumstance which, the Court may keep in mind.
16. In the instant case, the incident took place before more than fifteen years; the parties are residing in one and the same village and they are also relatives. The appellant was about 20 years of age at the time of commission of crime. It was his first offence. After conviction, the petitioner was taken into custody. During the pendency of appeal before the High Court, he was enlarged on bail but, after the decision of the High Court, he again surrendered and is in jail at present. Though he had applied for bail, the prayer was not granted and he is not released on bail. Considering the totality of facts and circumstances, in our opinion, ends of justice would be met if the sentence of imprisonment awarded to the appellant (Accused No.1) is reduced to the period already undergone.
17. For the foregoing reasons, the appeal deserves to be partly allowed and accordingly allowed by maintaining the conviction recorded by the trial court and confirmed by the Appellate Court but by reducing the sentence already undergone by the appellant. The sentence of payment of fine is not disturbed. If the appellant has not paid the amount of fine, he will pay such amount within four weeks from today.”

7. A similar view has been taken in Gulab Das & others Vs. State of Madhya Pradesh, (2011) 10 SCC 765 and the relevant paragraphs are reproduced below:

- “6. Ms. June Chaudhari, learned senior counsel for the appellants argued that during the pendency of the case in this Court the parties have entered into an amicable settlement/compromise and filed Criminal Misc. Petition No.20418 of 2011 for permission to compound the offences of which the appellants stand convicted. She drew our attention to the compromise deed filed along with the application and argued that since the parties had buried the hatchet by



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amicably settling their disputes, this Court could allow the matter to be compounded or in the alternative take a lenient view in regard to the sentence awarded to them. It was further submitted that so far as Appellant No.1 is concerned he has already served the sentence awarded to him under Section 323 IPC.

7. In the light of the submissions made at the bar the only question that falls for determination is whether the prayer for composition of the offence under Section 307 IPC could be allowed having regard to the compromise arrived at between the parties. Our answer is in the negative. This Court has in a long line of decisions ruled that offences which are not compoundable under Section 320 of the Cr.P.C. cannot be allowed to be compounded even if there is any settlement between the complainant on the one hand and the accused on the other. Reference in this regard may be made to the decisions of this Court in *Ram Lal and Anr. v. State of J & K (1999) 2 SCC 213*, and *Ishwar Singh v. State of Madhya Pradesh (2008) 15 SCC 667*. We have, therefore, no hesitation in rejecting the prayer for permission to compound the offence for which Appellant Nos. 2 and 3 stand convicted.
8. Having said that we are of the view that the settlement/compromise arrived at between the parties can be taken into consideration for the purpose of determining the quantum of sentence to be awarded to the appellants. That is precisely the approach which this Court has adopted in the cases referred to above. Even when the prayer for composition has been declined this Court has in the two cases mentioned above taken the fact of settlement between the parties into consideration while dealing with the question of sentence. Apart from the fact that a settlement has taken place between the parties, there are few other circumstances that persuade us to interfere on the question of sentence awarded to the appellants. The incident in question had taken place in the year 1994. The parties are related to each other. Both Appellant nos. 2 and 3 were at the time of the incident in their twenties. It is also noteworthy that the incident had led to registration of a cross case against the complainant party in which the trial Court has already convicted Veeraji and others for offences punishable under Sections 325/34 and 323 IPC and sentenced them to undergo imprisonment for a period of two years and a fine of Rs.300/- and imprisonment of six months under Section 323 IPC. We are told that the parties having settled the matter, will approach the High Court for an appropriate order in the appeal pending before it. More so, the appellants have already served substantial part of the sentence awarded to them.



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9. In the totality of the circumstances we are of the view that the settlement arrived at between the parties is a sensible step that will benefit the parties, give quietus to the controversy and rehabilitate and normalise the relationship between them.
  10. In the result, while upholding the order of conviction recorded by the Courts below, we reduce the sentence awarded to the appellants to the sentence already undergone by them. The appeal is to that extent allowed and the impugned orders modified. The appellants shall be set free forthwith if not otherwise required in any other case.”
8. Having regard to the fact that the matter arises out of an occurrence, which had taken place more than two decades earlier i.e. in the year 2001 and the parties are residents of the same village and have now entered into a compromise, we are of the opinion that the aforesaid compromise can well be taken into account so as to enable the parties to live cordially in the same village.
9. Although Karam Singh – petitioner in CRR-693-2005 has since expired, but an application seeking impleadment of his LRs had been moved in this Court i.e. CRM-27138-2013 on behalf of the legal heirs of Karam Singh – petitioner through Mr. Kamaldip Singh Sidhu, Advocate. Today, Ms. Kirandeep Kaur, Advocate, appeared on behalf of Mr. Kamaldip Singh Sidhu, Advocate, and has endorsed the factum of compromise and has stated that the legal heirs of victim/injured Karam Singh have no objection for setting aside of conviction of accused Nirmal Singh and Shamsher Singh and that they do not press upon the instant revision petition i.e. CRR-693-2005, which may be dismissed as withdrawn. Having regard to the specific submission made by Ms. Kirandeep Kaur,



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learned counsel appearing on behalf of the legal heirs of Karam Singh for withdrawal of CRR-693-2005, the same is hereby dismissed as withdrawn.

10. Since learned counsel representing appellants Nirmal Singh and Shamsher Singh have expressed that they do not want to press upon their appeals i.e. CRA-S-1746-SB-2004 and CRA-S-2058-SB-2004 as far as findings regarding conviction are concerned, but have submitted that a lenient view may be taken into the matter of sentence, as both the appellants had already undergone more than 1 year of sentence and the matter stands compromised amongst the parties, their appeals i.e. CRA-S-1746-SB-2004 and CRA-S-2058-SB-2004, as such, are accepted to the limited extent as regards modification of sentence only, which is reduced from rigorous imprisonment for 7 years to the one already undergone.
11. Now coming to the two appeals filed on behalf of the State of Punjab i.e. CRA-S-254-SB-2005 seeking enhancement of sentence as imposed upon two convicts/accused, namely Nirmal Singh and Shamsher Singh and CRM-A-551-MA-2004 seeking setting aside of acquittal of two other surviving co-accused, namely Kewal Singh and Jassan Singh, this Court finds that it is a case where the dispute had arisen amongst the parties, who all were having land in joint *khata* and in respect of which partition had taken place pursuant to a “family settlement”. Under these circumstances, when the parties are residents of the same village and apparently members of the same family, even though distantly related, and have now resolved their disputes by entering into a compromise, their attempt to foster cordiality and harmony deserves to be considered.



12. Accused Jassan Singh, who had been summoned with the aid of Section 319 Cr.P.C., has been acquitted by the trial Court while observing that he was alleged to be merely standing on the roof holding a '*gandassa*' while the co-accused were firing. The trial Court has observed that Jassan Singh had not even raised any '*lalkara*' and that under these circumstances, his holding a '*gandassa*' while standing on the roof would not inculcate him. Kewal Singh, who had also been summoned with the aid of Section 319 Cr.P.C. along with Jassan Singh, was acquitted by the trial Court while relying upon the evidence in the shape of testimony of DW-2 Bhupinder Singh, Godown Assistant, Waring House Corporation, wherein he stated that on the given day, Kewal Singh was working under him as a helper and was present in the office and they were physically counting the stock. As noticed above, both the said persons had been summoned with the aid of Section 319 Cr.P.C. and the trial Court also did not find sufficient evidence against them to justify their conviction. Bearing the said position in mind and given the fact that the parties are related and the matter stands compromised, there is no case for reversal of their acquittal at this belated stage i.e. after more than two decades. Consequently, appeal filed by the State challenging acquittal of the respondents i.e. CRM-A-551-MA-2004 is dismissed.
13. For the reasons recorded above, even the appeal filed by the State seeking enhancement of sentence as imposed upon Nirmal Singh and Shamsher Singh i.e. CRA-S254-SB-2005 also merits dismissal and is hereby dismissed.



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14. Pending application/s, if any, is also stand disposed of.

**(GURVINDER SINGH GILL)**  
**JUDGE**

**22.01.2025**  
Vimal

**(JASJIT SINGH BEDI)**  
**JUDGE**

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