



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

CRA-S-683-SB-2005(O&M)

Date of Decision: 21.07.2026

Darshan Singh @ Ghundu and
others

...Appellants

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. A.P.S.Mann, Advocate
 for the appellants.

Mr. Amit Rana, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The appellants have filed the present appeal against the impugned judgment of conviction and order of sentence dated 29.03.2005 passed by the Court of Additional Sessions Judge (Ad hoc), Fast Track Court, Sangrur, whereby the appellants were convicted for the commission of offences punishable under Sections 326, 324 and 323 of IPC and were sentenced accordingly.

2. The brief facts of the prosecution case are that Jang Singh S/o Jethu Singh is resident of village Changli and does labour work and they are six brothers. On 29.4.1997 at about 8.00 p.m., when he heard hue and cry from the house of his brother Mukand Singh, he rushed towards the house of his brother and he found his brother Mukand Singh, Nachhattar Singh, sister-in-law Ranjit Kaur, Jaswant Kaur, his niece Darso, his nephews Shingara Singh, Kuldip Singh and his son Arjun Singh standing in the street. Accused Darshan Singh, Amarjit Singh, Karamjit Singh and Lal Singh armed with gandasas, whereas



Meet Singh, Bheela, Kulwant Singh, Piara Singh and Kewal Singh armed with sotis, were also standing there. Bhura Singh S/o Lal Singh raised lalkara that nobody should be spared. Upon this, Jang Singh asked the accused as to what was their dispute with them (complainant party) and if there was any dispute that can be settled in the Panchayat in the morning. Then, Bhura Singh again raised lalkara as to what are they seeing and let them be taught a lesson and routine dispute be finished. On stating this, Darshan Singh inflicted a gandasas blow on Jang Singh just above his right wrist. Darshan Singh also inflicted a gandasas blow on left shoulder and just above eye of Jaswant Kaur. Amarjit Singh inflicted a gandasas blow on the head of Shingara Singh while Peeta Singh gave a soti blow on the right eye brow of Jang Singh. All accused have also given injuries to other members of family of Jang Singh with their respective weapons, who were separating Jang Singh from them. On hearing the hue and cry of the complainant party, Arjan Singh and Shingara Singh also reached the spot. On seeing them, the accused ran away from the spot along with their respective weapons. The complainant further stated that if Arjun Singh and Shingara Singh had not come, the accused would have caused more injuries to them. The motive behind the occurrence is that a few days back the nephew of the complainant was beaten by Karamjit Singh and Bhilla Singh, regarding which report was made in the Police Station and they were released on bail. The complainant further stated that he was got admitted in the hospital by Amrik Singh and Kulwant Singh, where he underwent treatment. ASI Amrik Singh sent the said statement of the complainant to the Police Station, on the basis of which the present case was registered against the accused. He then reached the place of occurrence and prepared its rough site plan and recorded



the statements of the witnesses. After completion of the investigation, challan against the accused was presented in the Court.

3. After completion of investigation, report under Section 173 Cr.P.C. was submitted by the police before the Court of Illaqa Magistrate. Since the case was triable by the Court of Sessions, the case was committed to the Court of Sessions by the Area Magistrate.

4. After presentation of the challan, the trial Court found that a prima facie case under Sections 307, 326, 324, 323, 148, 149 of IPC was made out against the appellants and they were charge-sheeted accordingly. However, they pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined fifteen witnesses. PW-1 Dr. S.P. Gupta had examined the x-ray report relating to Ranjit Kaur wife of Mukand Singh, Jang Singh son of Jethu Singh and Kuldeep Singh son of Mukand Singh, all three injured. PW-2 Dr. S.K. Kapoor proved the medical record of Arjun Singh, Jethu Singh, Jang Singh, Ranjit Kaur, Jaswant Kaur, Darsho, Mukand Singh, Kuldeep Singh, Shingara Singh and Nachhattar Singh. The prosecution further examined PW-3 Jagdev Singh, draftsman, who proved the scaled site plan Ex.PV. PW-4 Sadhu Ram, Clerk, office of Tehsildar, Malerkotla, proved copy Ex. PX of calendera under Sections 107/151 Cr.P.C. against Karamjit Singh and others. PW5 Sandeep Kumar, Pharmacist, Civil Hospital, Dhuri, proved the bed head tickets of Ranjit Kaur, Jang Singh and Shingara Singh as mark A to C. Complainant, Jang Singh while appearing as PW7 has reiterated his statement (Ex. PO) made to the Police. PW-8 Nachhattar Singh, PW-10 Shingara Singh and PW-14 Ranjit Kaur are the eye-witnesses of the occurrence and they have also deposed as per the case of the prosecution. As



such their statements are not being reproduced in order to avoid repetition. PW-11, HC Lakhwinder Singh, PW-12 Constable Gian Singh and PW-13 MHC Baldev Singh tendered their affidavits Exs.PW11/A, PW12/A and PW13/A respectively. PW-15 ASI Amrik Singh proved the investigation in the present case. Still further, PW-6 Constable Surinder Pal Singh and PW-9 HC Mangat Rai also remained associated with the investigation.

6. After closure of the prosecution evidence, statements of the appellants under Section 313 Cr.P.C. were recorded and they pleaded that they have been falsely involved in the present case and stated that the complainant party is the aggressor party.

7. In their defence, the appellants examined DW-1 Nachhattar Singh, who stated that they were caused injuries by the complainant side. DW-2 Dr. Ramesh Kumar, proved the medical record of Piara Singh as well as Kulwant Singh.

8. At the very outset, learned counsel for the appellants submits that he does not wish to challenge the judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to them. Even though, learned counsel for the appellants has not challenged the judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

9. Learned State counsel contended that the appellants do not deserve any concession regarding sentence and the present appeal be dismissed.

10. I have heard learned counsel for the parties and perused the record carefully.



11. From the evidence led by the prosecution, it is apparent that the prosecution had examined Jang Singh, Nachhattar Singh, Shingara Singh and Ranjit Kaur, injured in the present case. Their testimonies were duly corroborated by the medical evidence showing that these witnesses had suffered simple as well as grievous injuries. Apart from that, the allegations levelled by the prosecution were also proved during the course of investigation. Thus, the trial Court has rightly upheld the appellants guilty for the commission of offence punishable under Sections 326, 324, 323 and 34 of IPC.

12. Now, advertent to the order of quantum of sentence, this Court is conscious of the fact that the FIR in the present case was registered on 30.04.1997 and the appellants are facing the agony of trial/appeal/revision for the last more than 29 years. Even the sentence imposed on the appellants was suspended by this Court on 07.07.2005 and in the last about 21 years, they had maintained good conduct. Apart from that, all the appellants have already undergone about 04 months of actual custody, out of total sentence of 04 years and all the appellants are not involved in any other criminal activity. Apart from that, in the present case, it is a case of version and cross-version and two persons, namely, Piara Singh and Kulwant Singh on the side of the appellants had also suffered injuries.

13 Thus, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the appellants is reduced to the period already undergone by them. However, the amount of fine is enhanced to Rs.50,000/-each, which shall be deposited by the appellants, namely, Darshan Singh @ Ghundu, Amarjit Singh and Karamjit Singh. Out of total sum of Rs.1,50,000/-, the appellants shall firstly deposite a sum of Rs.30,000/- with the Punjab and



Haryana High Court Bar Clerks Association, Chandigarh and the remaining amount of Rs.1,20,000/- shall be deposited with the concerned Court of Chief Judicial Magistrate within a period of two months from the date of receipt of certified copy of this order. Out of total amount of fine of Rs.1,20,000/-, an amount of Rs.20,000/- each shall be paid to Jang Singh, Shingara Singh and Ranjit Kaur, injured, whereas, an amount of Rs.10,000/- each shall be paid to Kuldeep, Arjun, Nachhattar, Jawant, Darsho and Mukand, injured in the present case, against receipt and after proper identification.

14. In case, the total amount of fine Rs.1,50,000/- is not deposited by them as ordered, the present appeal shall be deemed to be dismissed.

15. With the above modifications, the present appeal is partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence imposed on the appellants is reduced to the period already undergone by them and the amount of fine is enhanced to Rs.50,000/-each, which shall be deposited by the appellants, within a period of two months from the date of receipt of certified copy of this order.

16. Case property, if any, be dealt with, and destroyed after the expiry of period of limitation for filing the appeal, in accordance with law.

17. The Trial Court record be sent back, if any.

18. Pending application(s), if any, stand(s), disposed of, accordingly.

21.07.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

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