

301 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1) CRA-S-2317-SB-2006 (O&M)  
Date of Decision: 14.02.2020.

Gurprit Singh @ Ladi  
Versus  
State of Punjab

... Appellant  
... Respondent

(2) CRA-S-2402-SB-2006 (O&M)

Parduman Singh  
Versus  
State of Punjab

... Appellant  
... Respondent

(3) CRA-S-2448-SB-2006 (O&M)

Ranjit Singh @ Nisha  
Versus  
State of Punjab

... Appellant  
... Respondent

(4) CRA-S-2463-SB-2006 (O&M)

Hardeep Singh  
Versus  
State of Punjab

... Appellant  
... Respondent

(5) CRA-S-2464-SB-2006 (O&M)

Kushvir Singh  
Versus  
State of Punjab

... Appellant  
... Respondent

(6) CRA-S-2465-SB-2006 (O&M)

Amandip Singh  
Versus  
State of Punjab

... Appellant  
... Respondent

(7) CRA-S-2481-SB-2006 (O&M)

Amarjit Singh  
Versus  
State of Punjab

... Appellant  
... Respondent

(8) CRA-S-2482-SB-2006 (O&M)

Parminder Singh  
Versus  
State of Punjab

... Appellant  
... Respondent

(9) CRA-S-2507-SB-2006 (O&M)

Sukhwinder Singh  
Versus  
State of Punjab

... Appellant  
... Respondent

(10) CRA-S-2508-SB-2006 (O&M)

Jai Parkash @ Kippi  
Versus  
State of Punjab

... Appellant  
... Respondent

(11) CRA-S-2509-SB-2006 (O&M)

Rohit Kumar  
Versus  
State of Punjab

... Appellant  
... Respondent

(12) CRA-S-2510-SB-2006 (O&M)

Gurjit Singh @ Jeeta  
Versus  
State of Punjab

... Appellant  
... Respondent

(13) CRA-S-2527-SB-2006 (O&M)

Randhir Singh @ Kaka  
Versus  
State of Punjab

... Appellant  
... Respondent

**(14)**

**CRA-S-2151-SB-2008 (O&M)**

Harmail Singh

... Appellant

Versus

State of Punjab

... Respondent

**CORAM : Hon'ble Mr. Justice Jitendra Chauhan**

Present : Mr. Sunil Chadha, Sr. Advocate with  
Mr. Himanshu Jain, Advocate,  
for the appellant(s) in CRA-S-2317-SB-2006.

Mr. DPS Kahlon, Advocate,  
for the appellant in CRA-S-2482-SB-2006 &  
CRA-S-2481-SB-2006.

Mr. S.S. Rangi, Advocate,  
for the appellant in CRA-S-2527-SB-2006.

Mr. Harvinder Singh Maan, Advocate,  
for the appellant(s) in remaining cases.

Mr. A.A. Pathak, Addl. AG Punjab.

Mr. Gurminder Singh Salana, Advocate,  
for the complainant.

Injured Inderpreet Singh present in person.

**JITENDRA CHAUHAN.J.(ORAL)**

This judgment shall dispose of afore-mentioned fourteen appeals arising out of common FIR No. 57 dated 10.05.2001 registered under Sections 307, 379, 452, 427, 323, 324 and 325 read with Section 149 IPC at Police Station Samrala, District Ludhiana.

Vide judgment dated 09.11.2006 and order dated 15.11.2006 passed by Additional Sessions Judge, Fast Track Court, Ludhiana, all the accused except accused Harmail Singh, and vide

judgment and order dated 13.10.2008 passed by Additional Sessions Judge, Ludhiana, accused Harmail Singh, was convicted and sentenced as under:-

| Offence     | Sentence          | Fine      | In default      |
|-------------|-------------------|-----------|-----------------|
| 325/149 IPC | RI for 3 years    | Rs.1000/- | RI for 3 months |
| 324/149 IPC | RI for 2 years    | --        | --              |
| 323/149 IPC | RI for six months | --        | --              |

Accused Gurpreet Singh was also convicted under Section 452 IPC as well and sentenced to undergo RI for three years and to pay fine of Rs.1000/- and in default of payment of fine to further undergo RI for three months.

Similarly, accused Harmail Singh was also convicted under Section 148 IPC as well and sentenced to undergo RI for one year.

All the substantive sentences were ordered to run concurrently.

The brief facts of the case as noticed in paragraph No.2 of the judgment passed by the trial Court are as under:-

*“2. The present case was registered on the statement of Jagjit Singh PW-4. He had some shops on Guru Nanak Road, Samrala out of which one shop was given on rent to Prabhjot Singh accused (since deceased). The accused started the business of readymade garments. On 30.10.2000 he sent a legal notice that he would vacate the shop within one month. Prabhjot Singh did not vacate the shop upon which a Panchayat was convened, on 27.04.2001 when he agreed in writing to vacate the shop by 28.04.2001 and to pay arrears of rent amounting to Rs.20,700/-. Prabhjot Singh did not vacate the shop till 28.04.2001 and did not pay the rent. On 10.05.2001, at about 1.45 PM when Jagjit Singh PW-4 along with his son Sukhbir Singh alias Neeta and Amanpreet Singh and*

*Inderpreet Singh PW-5 were present at their shop when Prabhjot Singh, Laddi, Rohit Kumar, Ranjit Singh, Jai Parkash alias Rippy, Deepy and Vinder Randhir Singh alias Kaka and 10 to 15 other persons armed with kirpans, iron Patis came in a jeep and on scooters and motor cycles. Prabhjot Singh (since deceased), Laddi and Ranjit entered into shop. They caused injuries on the head and other parts of the body of Sukhbir Singh and Inderpreet Singh. They dragged them out of the shop upon which their companions standing outside the shop also caused them injuries. They grappled with Jagjit Singh PW also. After causing injuries, the accused left the spot on their vehicles. Sukhbir Singh and Inderpreet Singh were shifted to the hospital. The accused also damaged the Car No. PB-10-G-1900 and removed the stereos therefrom which belong to Ranbir Singh, nephew of Jagjit Singh.”*

After completion of investigation, challan/report under

Section 173 Cr.P.C was presented in the Court. The case was committed to the Court of Session vide order dated 20.08.2001 passed by Sub-Divisional Judicial Magistrate, Samrala.

Charges under Sections 148, 307, 323, 324 and 452 read with Section 149 IPC were framed against the accused to which the accused did not plead guilty and claimed trial.

In order to prove its case, the prosecution had examined PW-1 Dr. J.P. Singh, PW-2 HC Jaswinder Singh, PW-3 Dr. Manjit Singh, PW-4 Jagjit Singh, PW-5 Inderpreet Singh, PW-6 SI Harbhajan Singh, PW-7 Naresh Kumar Khera, PW-8 Constable Lakhbir Chand, PW-9 Randhir Singh, PW-10 Bhupinder Singh, PW-11 Varinder Singh, PW-12 ASI Ajmer Singh, PW-13 Sukhbir Singh and closed the evidence.

The statements of the accused under Section 313 Cr.P.C

were recorded in which all the incriminating circumstances appearing

in the prosecution evidence were put to the accused to which the accused denied and pleaded false implication.

In defence evidence, the accused had examined DW-1 Harminder Singh and DW-2 Sher Singh and closed the evidence.

After appraisal of evidence, the learned trial court vide impugned judgment dated 09.11.2006 and order dated 15.11.2006 and judgment and order dated 13.10.2008, convicted and sentenced the accused, as narrated in the second paragraph of the judgment.

Feeling dissatisfied with the impugned judgments and order, the present fourteen appeals have been filed by accused/appellants.

It is worthwhile to mention here that accused/appellant Parduman Singh has undergone the sentence awarded to him. So, the appeal (CRA-S-2402-SB-2006) filed on his behalf stands dismissed as not pressed.

At the outset, it is submitted by the learned counsel for the accused/appellants that they do not challenge the judgments of conviction on merits and prays for taking a lenient view in the matter of sentence. It is further contended that the accused/appellant Gurpreet Singh @ Laddi has already undergone actual sentence of 11 months and 10 days whereas, the remaining accused/appellants have undergone actual sentence of about one month and have not misused the concession of bail. It is further contended that keeping in view the long protracted criminal proceedings, the sentence of the appellants may be

reduced to the period already undergone by them.

On the other hand, it is submitted by the learned State counsel that the appellants do not deserve any leniency in the matter of sentence.

I have heard the learned counsel for the parties and have gone through the case file.

Vide order dated 07.02.2020, complainant Jagjit Singh, injured Sukhbir Singh and Inderpreet Singh were directed to remain present in the Court today.

Learned counsel for the complainant informs that complainant, Jagjit Singh has died whereas, injured Sukhbir Singh is residing abroad. The other injured Inderpreet Singh, duly identified by the learned counsel, is present in the Court. He states that he has no objection, in case the sentence of the accused/appellants is reduced to the period already undergone by them.

Though, the learned counsel for the appellants have not challenged the judgment of conviction on its merits yet this Court has gone through the case file and has scanned the entire evidence. The case of the prosecution has been fully proved from the statements of complainant Jagjit Singh PW-4 who has deposed in categorical terms that on 10.05.2001 when blood stained cloths of Sukhbir Singh and Inderpreet Singh were produced by the doctor before the Police and the same were put in separate parcels and were sealed with the seal of 'HS'.

He had also signed the memos prepared. The recovery of blood stained

swords was effected in his presence. PW-5 Inder Preet Singh and PW-13 Sukhbir Singh have corroborated the prosecution story. There is nothing on record to discard their testimonies. Hence, the judgment of conviction is upheld.

As regards the quantum of sentence, as per the record, accused/appellant Gurpreet Singh @ Laddi has already undergone actual sentence of 11 months and 10 days whereas, the remaining twelve accused/appellants have undergone actual sentence of about one month out of the substantive sentence of three years.

Taking into consideration the circumstances of the present case that the FIR was lodged way back in 2001 and thus nineteen years have gone by; the accused are not involved in any other FIR; the sword of damocles remained hanging on their heads for nineteen years; they are the only bread winners of their family; main accused Prabhjot Singh has already died in an accident during trial; complainant has also died a natural death; as per the testimony of PW-3 Dr. Manjit Singh Dhaliwal, injured Inderpreet Singh has suffered only simple injuries; while maintaining the conviction of the accused/appellants, their sentence is reduced to the period already undergone by them subject to their paying compensation of Rs.20,000/- by each of the accused/appellant. Out of the total compensation of Rs.2,60,000/-, a sum of Rs.60,000/- be deposited with the Poor Patients Fund in PGIMER, Chandigarh. The remaining amount of Rs.2 lakh be deposited with the Registrar General of this Court within six weeks

from the date of receipt of certified copy of the judgment. An amount of Rs.1,50,000/- would be released in favour of injured Inderpreet Singh and Rs.50,000/- would be released in favour of injured Sukhbir Singh on their making an application in this regard. It is made clear that if the compensation is not deposited within the stipulated period, the present appeals shall be deemed to be dismissed without further notice.

In view of the above, the appeals stand disposed of.

Photocopy of this order be placed on the file(s) of other connected case(s).

14.02.2020.  
SN

**(JITENDRA CHAUHAN)**  
**JUDGE**

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