

CRA-S-808-SB-2005
CRR-1477-2005

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

CRA-S-808-SB-2005
Date of decision: 3.3.2020

Ranjit Singh and others

...Appellants

Versus

State of Punjab

...Respondent

CRR-1477-2005

Didar Singh

...Petitioner

Versus

Ranjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mrs.GK Mann, Advocate for the appellants
in CRA-S-808-SB-2005
for the respondents in CRR-1477-2005

Mr.Rahil Mahajan, Advocate
for the petitioner in CRR-1477-2005

Ms.Harsimrat Rai, DAG, Punjab

JITENDRA CHAUHAN, J.

The aforementioned appeal as well as criminal revision shall be
disposed of by this common judgment.

CRA-S-808-SB-2005 is directed against the judgment and
order dated 6.4.2005 passed by Additional Sessions Judge, Amritsar (for
short 'trial Court'), whereby the accused–appellants have been convicted
and sentenced as under:-

Ranjit Singh accused

Offence under Section	Sentence (rigorous imprisonment)	Fine	Sentence in default of payment of fine (further R.I.)
148 IPC	One year	No Fine	
307 IPC	Five years	Rs.2000/-	3 months
326/149 IPC	Three years	Rs.1000/-	2 months
326/149 IPC	Three years	Rs.1000/-	2 months
Accused Surjit Singh and Gurmukh Singh			
148 IPC	One year each	No fine	
307/149 IPC	Five years each	Rs.2000/- each	3 months
326 IPC	Three years each	Rs.1000/- each	2 months
326/149 IPC	Three years each	Rs.1000/- each	2 months
Accused Major Singh, Gurpreet Singh and Amrik Singh			
148 IPC	One year each	No fine	
307/149 IPC	Five years each	Rs.2000/- each	3 months
326/149 IPC	Three years each	Rs.1000/- each	2 months
326/149 IPC	Three years each	Rs.1000/- each	2 months

The substantive sentences were ordered to run concurrently.

The trial Court noticed the facts of the present case in para No.2 of the impugned judgment, which are as under:-

“.. complainant Didar Singh was resident of village Lakhuwala and was doing the work of farming on land belonging to Wakf Board. Out of the said land, Naranjan Singh son of Gopal Singh got made pattanama (lease deed) in his name in respect of 16 kanals of land. In the year 1988, the land has been taken by the complainant from Naranjan Singh abovesaid on Pagri basis. Rent of abovesaid land was neither deposited by the complainant nor by Naranjan Singh in favour of Wakf Board. Now Patanama of the said land has been got

made by Ranjit Singh accused from the Wakf Board. On 5.12.2002, Ranjit Singh's party had taken possession of the said land. Complainant has further alleged that he was irrigating the said land which has been sown by Ranjit Singh when Surjit Singh son of Dalip Singh armed with datar, Gurmukh Singh armed with kirpan, Ranjit Singh armed with 12 bore riffle, Major Singh armed with a gandasi, Gurpreet Singh armed with a sua and Amrik Singh armed with a dang came there raising lalkara that the complainant be taught a lesson of irrigating the said land. Then Ranjit Singh fired two shots from his 12 bore gun in the air. Complainant raised noise which attracted Balwinder Singh and his father Gurcharan Singh who came at the place of occurrence. Ranjit Singh thereafter tried to load third cartridge in the gun whereupon the complainant encircled Ranjit Singh in his arms. Balwinder Singh caught hold of his gun. It was at about 8.00 P.M. and electric bulb was on at the tubewell. Then Surjit Singh gave a datar blow which hit on the right wrist of Balwinder Singh. Accused Gurmukh Singh gave a kirpan blow, Major Singh with gandasi, Gurpreet Singh with a Sua and Amrik Singh with his dang, inflicted injuries on the person of Balwinder Singh. The complainant raised hue and cry and the accused ran away from the place of occurrence alongwith their respective weapons. After arranging conveyance, Balwinder Singh was first taken to hospital at Ramdas from where he was referred to Civil Hospital, Amritsar. On the basis of statement of Didar Singh, FIR was got registered for the commission of offence punishable u/ss 326, 324, 323, 336, 148 read with Section 149 IPC at Police Station Ramdas.

On completion of the investigation, the challan was presented in the Court. All the accused were charge sheeted under Sections 148, 307, 326 read with Section 149 IPC, to which they pleaded not guilty and claimed trial.

To prove its case, the prosecution examined Dr.Anupam as PW1, Didar Singh, complainant as PW2, Balwinder Singh injured as PW3, Gurcharan Singh as PW4, Dr.HS Sohal as PW5, Kapur Singh Patwari as PW6 and ASI Baldev Singh as PW7 and SI Harbhajan Singh as PW8.

After completion of the prosecution evidence, the accused were examined under Section 313 of the Code of Criminal Procedure. The accused denied the circumstances appearing against them in prosecution evidence and pleaded innocence and false implication. In defence, they did not lead any evidence.

After hearing learned counsel for both the parties, learned trial Court convicted and sentenced all the accused appellants as noticed at the very outset of the judgment.

Feeling aggrieved by the judgment/ order of the learned Trial Court, the appellants have preferred CRA-S-808-SB-2005, whereas complainant Didar Singh has filed CRR-1477-2005.

At the very outset, learned counsel for the appellants states that she does not want to challenge the judgment of conviction. However, keeping in view the facts that both the parties belong to same village and their houses are in the neighbourhood; a compromise between them had been reduced into writing, which is already placed on record as Annexure

A-1, the incident took place in the year 2002 and a long number of years have gone by; in the interregnum period, the appellants have not repeated the offence and they are not the previous convicts, therefore, a lenient view may be taken regarding sentence.

On the other hand, learned counsel for the State submits that after appreciating the every aspect of the matter and the evidence on the record, learned trial Court has rightly convicted and the sentenced the appellants. The appellants cannot derive any benefit of compromise at this stage. He prays for the dismissal of the appeal.

Learned counsel for the petitioner in CRR-1477-2005 states that he does not want to press the present petition as the matter stands compromised between the parties.

Heard.

In view of the statement made by learned counsel for the petitioner, CRR-1477-2005 stands dismissed as not pressed.

Though, the learned counsel for the appellants has not challenged the judgment of conviction on merits, yet this Court has scanned the entire evidence on record and finds that the trial Court has rightly convicted the appellants for the commission of offence under Sections 148, 307, 326 read with Section 149 IPC. From the testimonies of the PWs, it is evident that all the accused came at the place of occurrence while being armed with deadly weapons after forming an unlawful assembly and their specific role played by all the accused in raising lalkaras and causing grievous injuries upon the person of Balwinder Singh. As a result of injuries

caused with *Datar* upon the person of Balwinder Singh, his right hand was chopped off. In view of the medical record, it cannot be said that the case of the appellants does not fall with the ambit of Section 307 IPC. Accordingly, the conviction of the appellants is upheld.

As regards the sentence, the learned counsel for the appellants argues that now the matter has been compromised between the parties and the incident is of the year 2002, the sentence of the appellants may be reduced to the one already undergone.

Hon'ble the Supreme Court in 2006(4) R.C.R. (Criminal) 645 titled as "**R. Soundarajan V. Seed Inspector, Coimbatore and another**" observed as under:-

"26. We have carefully perused the entire evidence and documents on record and heard the learned counsel for the parties at length. On consideration of the totality of the facts and circumstances of this case, particularly in view of the statement made by the learned counsel for the State, in our considered view, the ends of justice would be met, if the sentence of the appellants is reduced to the period already undergone by them. The appellants were released by this Court during the pendency of these appeals and they are now not required to surrender. The fine as imposed by the trial Court, if not already paid, would be paid within four weeks from the date of this judgment"

In the present case, learned counsel for the complainant admits the factum of compromise.

Keeping in view the facts that the FIR was registered in the year

2002, the appellants have suffered protracted trial of more than 17 years; they are not the previous convicts; residents of the same village; never repeated the offence; settled in life; being the sole bread earners and saddled with the responsibilities of marriageable children, the sentence is reduced to the period already undergone by them in this case. However, the sentence of fine is enhanced to Rs.50,000/- each (50,000 x 6= 3 lakh), which is over and above the fine already imposed by the trial Court and out of said amount, Rs.1.25 lakh shall be paid to widow and daughter equally and remaining Rs.50,000/- shall be paid to son of deceased Balwinder Singh, who was the injured. The same shall be paid within 45 days from the date of receipt of the certified copy of the judgment, failing which, the present appeal shall be deemed to be dismissed without further notice.

CRA-S-808-SB-2005 is partly allowed and the judgment and order of the learned trial Court stands modified to the extent indicated above.

Copy of the judgment be placed on the connected file.

3.3.2020
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No