

**CRR-4404-2016**

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

**CRR-4404-2016**

**Date of Decision:14.02.2020**

Digamber and others

... Petitioners

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Ms. Tanika Goyal, Advocate for  
Mr. Kunal Dawar, Advocate,  
for the petitioners.

**HARNARESH SINGH GILL, J.**

The petitioners-accused have challenged the judgment dated 12.08.2016 passed by the learned Additional Sessions Judge, Palwal, whereby while upholding their(petitioners) conviction under Sections 148, 325 and 149 IPC in case FIR No.02 dated 05.01.2009, registered at Police Station Hathin, the sentence imposed by the trial Court was modified and they were ordered to be released on probation for a period of three years and to pay compensation of Rs.10,000/- each to the injured.

The petitioners were tried for committing the offences under Sections 148, 323, 325, 506 read with Section 149 IPC. The prosecution in the above FIR was launched on the basis of statement made by complainant-Satpal. In his statement, he stated that on 04.01.2009, at about 9.30 a.m., he was watering his fields. At some distance, Hari Ram was also watering his

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fields through his tractor. At that time, Arun, nephew of complainant was also present there. Meanwhile, Hari Ram, Diagambar and Sukhdev had come there and started abusing them for putting the barrier on the watercourse. Digamber had given a blow of sharp edged weapon on his (complainant) nose and also given slaps and fist blows to Arun. Thereafter, Hari Ram, Trilok, Thakur Lal, Sukhdev, Digamber, Devender, Sonu and Dinesh in connivance with each other, who were armed with lathi, *Ballam* and Farsa etc., had come there. Hari Ram had given Ballam blow on the left side of his head. Thakur Lal had given a lathi blow on his right elbow. Sonu had given a lathi blow on his right hand. Devender had given a lathi blow on his back and right knee. Trilok had given a lathi blow on his right knee. Sukhdev had given a farsa blow on his head. Dinesh had given a lathi blow just below his knee. He had raised hue and cry upon which Shyam Lal and Chatar had rushed to the spot. The accused had also caused injuries to them. After recording the statement of complainant, investigation was set into motion. After completion of investigation, the challan was presented.

The trial Court while upholding the petitioners guilty for the commission of offences punishable under Section 148, 323, 325, 506 and 149 IPC, has discussed the evidence as under:

*“14. PW 4 ASI Durga Parshad proved the various steps taken during investigation. He proved Tehrir Ex.PW 4/A, site plan Ex.PW 4/B, opinions Ex.PW 4/C, Ex.PW 4/D, applications Ex.PW 4/E, Ex.PW 4/F, formal FIR Ex.PW 4/G and endorsement Ex.PW 4/H. In his cross-examination, this witness admitted that no recovery of weapon was effected in this case. However, it was the duty of police and shoddy investigation of police is no ground*

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*to extend any benefit of the same to the accused. PW 5 Chatar Singh and PW 7 Govind Ram have also corroborated the prosecution version in material particulars. The injuries on the person of Chatar Singh were proved by PW 6 Dr. Sanjay Kumar. He proved the MLR Ex.PW 6/A. PW 7 Dr.Jitender Sachdeva proved the discharge summary of Satpal and Shyam Lal as Ex.PW 7/B and Ex.PW 7/C regarding nature of injuries on the application moved by the police.*

*15. From a critical examination of overwhelming evidence led by the prosecution, it is proved that accused in prosecution of common object armed with deadly weapons, attacked the injured Satpal and Shyam Lal and caused simple as well as grievous injuries to them.*

The petitioners were, accordingly, sentenced to undergo as under:

| u/S     | Period   | Nature                | Fine              |
|---------|----------|-----------------------|-------------------|
| 148 IPC | 1 year   | Rigorous imprisonment | -                 |
| 323 IPC | 6 months | Rigorous imprisonment | -                 |
| 325 IPC | 3 years  | Rigorous imprisonment | Rs.1000/-<br>each |
| 506 IPC | 1 year   | Rigorous imprisonment |                   |

All the sentences were ordered to run concurrently.

Aggrieved of the judgment and order passed by the learned trial Court, the petitioners preferred appeal before the learned Additional Sessions Judge, Palwal. Vide impugned judgment dated 12.08.2016 passed by the learned Additional Sessions Judge, Palwal, conviction of the petitioners recorded by the trial Court under Sections 323, 506/149 IPC was set aside, but affirmed under Sections 148, 325 read with Section 149 IPC. However, sentence imposed by the trial Court under Section 148 and 325 read with Section 149 IPC was modified and the petitioners were ordered to

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be released on probation of three years on keeping the good conduct and behaviour on furnishing the probation bonds in the sum of Rs.50,000/- with one surety each of the like amount and receive sentence as and when they were called upon during such period of three years. They were also directed to pay compensation of Rs.10,000/- each (i.e. Rs.70,000/- in all) to the injured. Out of the compensation amount, an amount of Rs.30,000/- each was ordered to be paid to injured Satpal and Shaym Lal, who had sustained grievous injuries and an amount of Rs.10,000/- to injured Chatar Singh, who had sustained simple injuries.

Being dissatisfied with the judgment dated 12.08.2016, the petitioners have preferred the present revision petition.

I have heard the learned counsel for the petitioners and with her able assistance, have gone through the case file.

In the present case, the Appellate Court, vide judgment dated 12.08.2016, released the petitioners on probation for a period of three years. Admittedly, the probation period is over. The case of the prosecution stood completely proved and there was no reason for the Appellate Court to interfere with the conviction of the petitioners. The Appellate Court while taking into consideration that the petitioners had been facing the agony of trial since 2009; they were not previous convicts; the incident occurred on trivial issue and the parties are residents of the same village, had rightly released the petitioners on probation and directed them to pay compensation of Rs.10,000/- each, to the injured as noticed above.

This Court is not inclined to interfere with the impugned judgment.

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Therefore, finding no merit in the present revision, the same is dismissed.

**14.02.2020**  
parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

|              |                           |   |        |
|--------------|---------------------------|---|--------|
| <b>Note:</b> | Whether speaking/reasoned | : | Yes/No |
|              | Whether reportable        | : | Yes/No |