

**CRA-S-484-SB-2007 (O&M) AND
CRR-716-2007 (O&M)**

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

204

**1) CRA-S-484-SB-2007 (O&M)
Decided on : 17.05.2023**

Major Singh

. . . Appellant(s)

Versus

State of Punjab

. . . Respondent(s)

2) CRR-716-2007 (O&M)

Santokh Singh

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Onkar Singh, Advocate
for the appellant(s) (in CRA-S-484-SB-2007)
for respondent No.2 (in CRR-716-2007).

Mr. Randhir Singh, Advocate for
Mr. R.P. Dhir, Advocate
for the petitioner(s) (in CRR-716-2007).

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J.

1. This judgment shall dispose of CRA-S-484-SB-2007 and CRR-716-2007, as they both are interconnected and arising out of the same judgment of conviction and order of sentence dated 19.02.2007. However, for the sake of brevity the facts are being extracted from CRA-S-484-SB-2007.

2. Criminal Appeal i.e. CRA-S-484-SB-2007, was filed by appellant Major Singh, aged about 44 years (as per the impugned judgment),

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against the judgment of conviction and order of sentence dated 19.02.2007, passed by the Ld. Additional Sessions Judge, Hoshiarpur (for brevity ‘Ld. Trial Court’), in Sessions Case No. 16 of 24.10.2005, arising out of FIR No.93, dated 04.07.2005, under Sections 307, 326, 324, 323 of Indian Penal Code (IPC), registered at Police Station Mahilpur (Hoshiarpur).

Accused-appellant was held guilty for commission of offence punishable under Sections 307, 326, 324, 323 of IPC, and was ordered to undergo sentence(s), as detailed in the following table:-

Name of Convict	Under Section	Sentence	Fine	In Default
Major Singh	307 IPC	07 years RI	Rs. 25,000/-	06 months RI
	As the accused has been sentenced under the major head, no separate sentence under Section 326 IPC need to be recorded.			
	324 IPC	09 months RI	--	--
	323 IPC	04 months RI	--	--

All the substantive sentences were ordered to run concurrently. However, the period of detention already undergone by the accused-appellant, if any, was ordered to be set off against the substantive sentence. After recovery of fine amount, Rs.20,000/- as compensation amount was ordered to be paid to the complainant/injured as part compensation for the injuries suffered by him.

3. Story of the prosecution, as discussed in paragraph No.2 of the impugned judgment, is reproduced as under:-

“Complainant Santokh Singh was resident of Village Ispur and was agriculturist by profession and was constructing a new house in the village; that on the fateful day of 1st July, 2005 at about 9.15 a.m. he had proceeded on the cycle for

asking the concerned person to send the sand in connection with the construction and when reached in the outer street of the village in which the house of the accused Major Singh was situated and found that the main gate of the house of Major Singh was shut; that the complainant met his daughter Gurjit Kaur and went ahead to a short distance reaching in front of the house of Major Singh, when Major Singh came out of his house and pushed his (Major Singh's) cycle from the gate of the house in such a manner to strike the same with the cycle of the complainant because of which Major Singh brought kirpan from inside the house, without sheath and attacked the complainant by striking blow but the complainant lifted his right hand to ward off the blow because of which his right hand was amputated and fell down; that second kirpan blow was struck, which landed below the elbow of the complainant and the complainant retraced his steps and the third kirpan blow landed below the right shoulder and thereupon the complainant took a turn for slipping away but accused gave a kirpan blow on the head but it missed the aim and caused injury at the back of the complainant and the complainant fell down and the remaining injuries were caused on the person of the complainant in that position; that daughter of the complainant raised alarm 'killed, killed' and thereupon accused Major Singh slipped away and daughter of the complainant after making arrangement for transportation took him to Civil Hospital, Mahilpur, where the complainant was given first aid and then was referred to Civil Hospital, Hoshiarpur, where he was treated and referred to CMC Hospital, Ludhiana, where the complainant was under treatment; that the motive for the occurrence was that about two years ago, a fight had taken place at village Alawalpur because of the land with the close associates of Major Singh accused and in the said fight the name of the complainant was got falsely

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implicated and the murderous attack on the complainant was inflicted because of the said grudge.”

MOTIVE:

4. Complainant stated in FIR that about two years back, there was a fight at Village Alawalpur over some land issue with the close associates of Major Singh (appellant). Complainant was named as accused in the said case, and thus, complainant was inflicted the injuries by appellant because of the said grudge.

5. Statement (Ex.PA) of the injured/complainant Santokh Singh, was recorded by ASI Sukhraj Singh by reaching to the CMC Hospital, Ludhiana along with other police officials on 04.07.2005.

After completion of investigation, final report under Section 173 Cr.P.C. was submitted by the prosecution and vide order dated 11.11.2005, Ld. Trial Court framed the charges under Sections 307, 326, 324, and 323 of IPC.

6. In order to prove its case, prosecution examined as many as total 07 witnesses (PW1 to PW7), which are as under:-

- PW1 – Injured/complainant Santokh Singh, who narrated the complete incident and the registration of the criminal case against him, which was stated to be pending on the day of incident, apart the initiation of proceedings against him, and also under Section 107/151 IPC.
- PW2 – Gurjit Kaur, who is daughter of the complainant/injured Santokh Singh, and a partial eye-witness of the incident.
- PW3 – Dr. Jagmohan Singh, Medical Officer, Civil Hospital, Hoshiarpur, who proved that injured Santokh Singh was brought by

his daughter Gurjit Kaur, and on examination, he found total seven injuries. He also proved that at the level of right wrist, his hand was amputated/chopped off with fresh bleeding.

- PW4 - Dr. Prem Pal Bharti, Medical Officer, CHC Mahilpur, who proved the fact that patient Santokh Singh was referred by him to Civil Hospital, Hoshiarpur on 01.07.2005.
- PW5 – Dr. Jatinder, Orthopedic Department, CMC & Hospital, Ludhiana, who proved that in in CMC hospital patient was admitted on 01.07.2005 at 2.34 PM with history of assault and near total amputation of right hand. He also proved minor injury wound after amputation was closed in a single layer over a drain.
- PW6 – ASI Sukhraj Singh, who registered FIR and investigated the case. Appeared and proved other proceedings.
- PW7 – C. Sohan Singh, a formal witness, who appeared and tendered his affidavit Ex.PR.

7. Evidence of HC Santokh Singh was not recorded, and prosecution didn't examine him being unnecessary, and thereafter, evidence of the prosecution was closed.

8. While recording statement under Section 313 Cr.P.C. of appellant, the explanation given by him in regard to a specific question is as under:-

“Q) Anything else do you want to say?

A) I am innocent and have been falsely implicated in this case. I did not inflict injuries on the person of Santokh Singh. In July, 2003, Santokh Singh complainant alongwith Pala Singh son of Pakhar Singh, Harjit Singh @ Sukha armed with kirpan, Loggi alias Avtar @ Tari armed with spade, Sarabjit Singh son of Mohinder Singh,

Sukhwinder Singh alias Bindri s/o Tarsem Singh, Harjap Singh son of Chanan Singh armed with dang inflicted injuries on my person and to my wife Jagdish Kaur, Naval Truck cleaner, Palwinder Kaur my sister-in-law and my mother Gurmej Kaur. In this connection a case was registered vide FIR No.99 dated 7.7.03 u/s 326, 324, 323, 148, 149 IPC at PS Mahilpur on the basis of my statement against Santokh Singh complainant and his companions and abovesaid case is still pending trial. The police also initiated proceedings u/s 107/151 Cr.PC against abovesaid Santokh Singh on the instance of my son Sohan Singh and his companion and just to humiliate and harass me and my family. The present case was falsely got registered against me as a counter-blast. PW2 Gurmej Kaur is the daughter of the complainant and no independent witness has been produced.”

9. Appellant also produced a defense witness i.e. Parwinder Pal Singh, Ahlmad (DW1), who proved the summoned file of a criminal case titled ‘State Vs. Pala etc.’, under Sections 326, 324, 323, 148, 149 IPC, P.S. Mahilpur, pending trial in the Court of Ld. JMIC, Hoshiarpur. Thus, he proved the copy of FIR, final report under Section 173 Cr.P.C., and summoning order dated 26.09.2006, as documents Ex.DB, DC & DE.

Thereafter, on 14.02.2007, defense evidence was also closed.

10. First argument of counsel for the appellant, Mr. Onkar Singh, Advocate, while challenging the impugned judgment passed by the Ld. Trial Court, is that there is inordinate delay in lodging of FIR. Incident in question took place on 01.07.2005 at about 09:15 A.M., and first version as statement of injured was recorded on 04.07.2005, whereas, alleged eye-witness i.e.

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Gurjit Kaur, being daughter of the injured could have reported the matter to the police, on the very same day i.e. on 01.07.2005. Thus, counsel submits that there is no explanation in respect of such inordinate delay. Further submits that even introducing Gurjit Kaur (PW2) as a witness in the case is only after concocting the story, because in ordinary circumstances, she was not expected to be there in the village at the time of incident, as Gurjit Kaur is a married woman and residing in a different village. Thus, there being no independent witness; story put-forth by the prosecution, is highly doubtful.

11. I have examined the said aspect from the record of the case and found therein that on 01.07.2005, injured Santokh Singh was immediately transported to the Civil Hospital, Hoshiarpur, and was examined at about 10:25 A.M. In the relevant column in MLR prepared at Hoshiarpur, it is clearly mentioned in the column as ‘**Name of relative or friend – Gurjit Kaur (daughter). Date and time of examination 10:25 A.M., 1-7-05**’. It is also recorded there in the MLR (Ex.PB) that *“alleged H/o injuries sustained in scuffle at village Ispur near Mahilpur at around 09:15 A.M. today. Patient treated at Mahilpur and then referred from there to CH HSP.”*.

Said entries have been well proved in the witness-box by Dr. Jagmohan Singh (PW3), who gave details about the injuries and other facts also. Examination-in-chief of the said witness is also reproduced herein-below:-

“PW-3 on SA.

Dr. Jagmohan Singh, Medical Officer, Civil Hospital, Hoshiarpur.

On 1.7.05 I was on duty in the emergency ward of Civil Hospital, Hoshiarpur. On that day medico legal examination was performed on the persons of Santokh Singh son of Bikkar Singh, 60 years male at 10.25 AM vide MLR No. JMS/MLR/11/05. He was brought by Gurjit Kaur daughter of the patient/injured. Patient Santokh Singh was initially treated at Mahilpur and was referred to Civil Hospital, Hoshiarpur but was not medically examined at CHC, Mahilpur. On examination patient was conscious, cooperative well oriented to time and place. No ENT bleed. Blood pressure was 150/90 mm, pulse 82, respiration rate was 17 to 18 per minute.

Right upper limb was covered with dressing below the level of right elbow of joint. On examination I found following injuries:-

- i) 7 cm x 5 cm to skin deep wound with clear cut margins, with skin flap hanging on dorsal aspect of middle of right forearm, 8 cm from right elbow. Fresh bleeding plus movements painful. Ortho surgeon opinion was advised.*
- ii) Right hand was amputated/chopped off at the level of right wrist. Underlying wound having clear cut margins, underlying bones, tissue, muscles exposed, bones and muscles having clear cut margins. Fresh bleeding plus. Ortho surgeon opinion was advised.*
- iii) Head was covered with dressing. On removal of dressing there was present 7.5 cm x 1.5 cm x bone deep incised wound in parieto occipital region starting from middle and going to left side. Fresh bleeding plus. Surgical opinion was advised.*
- iv) Reddish abrasion 8 cm x 2 mm on the back of left shoulder. Movement painful. Ortho surgeon opinion was advised.*
- v) Complaining of pain in the back and in the pelvis region. No external mark of injury was seen. Orthopedic surgeon opinion was advised.*
- vi) Multiple small reddish abrasion on front of right knee and upper half of right leg. Ortho surgeon opinion was advised.*
- vii) Complained of pain right shoulder. No external mark was seen. Ortho surgeon opinion was advised.*

I had kept injury no.1, 2, 4, 5, 6 and 7 for ortho surgeon opinion and No.3 for surgical opinion. Probable duration of injuries was within 6 hours for injuries No.1, 2, 3, 4 and 6. However, duration of 5 and 7 could not be ascertained. Kind of weapon in my opinion sharp for injuries No.1 to 4 and blunt for 6. However 5 and 7 blunt, if any.

I have brought original MLR register and the MLR is in my hand and bears my signatures. Ex.PB is the correct carbon copy of the original MLR which I have brought today in the court and Ex.PB/1 is copy of pictorial diagram, indicating the seat of injuries. The patient was admitted by me in the emergency ward for further treatment and on the same day at 11.55 AM he was referred to CMC/DMC, Ludhiana as per his request. No report of the orthopedic or surgical specialist was received by me till date.”

12. From the medical evidence, it becomes clear that after the alleged incident on 01.07.2005 at 09:15 A.M., injured was firstly taken to the Civil Hospital, Mahilpur, and thereafter, within shortest possible time, he was got admitted at 10:25 A.M. at Civil Hospital, Mahilpur, and therein name of ‘Gurjit Kaur’ being daughter of injured Santokh Singh was recorded. Thus, there is no point in doubting the presence of said witness.

Moreover, to counter/challenge the said entry into the Medico Legal Report (MLR), there is no suggestion or cross-examination to the witness Gurjit Kaur (PW2) or the Dr. Jagmohan Singh (PW3), who proved the entries in the MLR No.JMS/MLR/11/05 (Ex.PB).

13. So far as, not reporting the matter to the police is concerned, there appears to be a strong reason that father of Gurjit Kaur (PW2) was not

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in a condition to make statement according to the medical opinion. Thus, injured being related as her father, Gurjit Kaur (PW2) might be busy for his medical treatment, whose one hand from the wrist part was chopped off; as in ordinary circumstances, any daughter would be more anxious about the safety of life of her father, and to see him in a better condition.

Moreover, proving or doubting of presence of Gurjit Kaur (PW2) on the spot, would not be of much importance, once, there is direct evidence and explanation by the injured himself. First time, injured Santokh Singh was declared fit to make statement on 04.07.2005, and before that date, his statement could not be recorded, because of his physical/medical condition.

Thus, in view of the reasons recorded herein-above, the contention of the counsel, by alleging the FIR at belated stage is not of much importance.

14. I have also examined the evidence and from the statement of injured Santokh Singh (PW1), it is clear that no material discrepancy could be brought on record through the cross-examination of the said witness. Moreover, pendency of a criminal case against the injured, which was got lodged by the appellant, in-itself is sufficient to assume that there was a direct and strong motive in the mind of the appellant to take revenge of the earlier incident. Explanation given in the statement under Section 316 Cr.P.C. , would also be sufficient to corroborate wherein he got recorded, while narrating in defence that Santokh Singh alongwith some other persons had inflicted injuries on the persons of appellants and his wife Jagdish Kaur,

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Palwinder Kaur (appellant's sister-in-law), and appellant's mother Gurmej Kaur, resulting into the lodging of FIR No. 99 dated 07.07.2003, under Sections 326, 324, 323, 148, 149 IPC, registered at PS-Mahilpur, which was got recorded on the statement of appellants.

15. Thus, there was a deep rooted motive in the mind of the appellant to take revenge of the injuries caused by injured Santokh Singh and others, in the past. It is very natural that any person who considers himself to be victimized would always carry grudge against the other one, until he takes revenge for his own satisfaction.

Therefore, motive part is also established against the appellant.

16. Another submission by counsel for the appellant is that, blood stained articles i.e. clothes, earth and kirpan were not sent to FSL for getting the report of the expert for ascertaining the fact that as to whether said articles contained human blood. Further, submits that said weapon of the offence was never shown to the doctor for its corroboration with the injuries of the injured.

In support of this arguments, counsel relies upon the judgment of Hon'ble Apex Court rendered in **Balwan Singh Vs. State of Chhatisgarh and another, (2019) 7 SCC 781.**

17. I have gone through the said judgment. Cited case is a case of murder, wherein real victim was not there to depose. On the other hand, in the present case statement of the injured Santokh Singh (PW1) cannot be discarded without their being any strong reason for false implication of

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appellant.

Otherwise also, in the aforementioned cited case, question of murder was to be decided on the basis of blood report by connecting the recovery of articles with accused. In the said case, possibility of false implication of the appellants could be there and thus, for corroboration of the statements of the witnesses (not the victims), the blood over the weapon was considered to be an important evidence to connect the recovered arm from accused with the blood of the deceased.

18. In the present appeal before this Court, situation is quite different because injured himself appeared in the witness-box to depose about the truth. Thus, sending of the weapons to the Forensic Science Laboratory (FSL) for its analysis of the blood to connect with the injured would not be a material issue because amputation/chopping of hand with a sharp edge weapon is/was never in dispute in the present appeal. Thus, judgment cited by the appellant is not applicable.

19. Other judgment cited by the counsel for the appellant in regard to the delay in lodging of the FIR i.e. **Thulia Kali Vs. the State of Tamil Nadu, AIR 1973 SC 501**, would also not be applicable because again cited judgment is dealing with the murder case, where the real victim in the incident is not available to depose.

20. I have also considered the aspect that the weapon was not shown to the doctor and said fact has been admitted by Dr. Jagmohan Singh (PW3) during cross-examination. To my mind, Investigating Officer of the case was perhaps over confident because the nature of the injury having been caused

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by a sharp edged weapon, is recorded by the doctor immediately within one hour of the incident, and thus he might have thought of not sending the articles to the FSL. Otherwise also, this Court realizes that the situation where victim himself is available to depose about the incident and the injury, is always on better footing than the situation, where victim is not available to depose about the incident.

Moreover, for the over-confidence or negligence of the Investigating Officer, real victim of the case cannot be made to suffer by extending the benefit of it to the wrongdoer, who otherwise, deserves to be punished for his act.

21. Counsel for the appellant has further argued that offence under Section 307 IPC would not be made out, because Dr. Jagmohan Singh (PW3) has admitted in his cross-examination of non-production of weapon or not showing of the weapon to him by the I.O. Even, he did not declare the injury to be dangerous to life.

22. I have noticed that part also and went through the statements of the doctors for examining the medical evidence. Apart, the statement of Dr. Jagmohan Singh (PW3), there is another witness i.e. Dr. Jatinder, Orthopedic Department, who appeared as PW5. In his statement, it is specifically stated by him that *“the patient was brought to our hospital in a serious condition. If the patient had not be provided the medical treatment as was given by us, the injury could be dangerous to life also.”* He was the member of the operating team of doctors. Even the circumstances speaks in itself that there was an intention to kill. Reading out the first version of the complainant i.e. Ex.PA,

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and the use of weapon such as; kirpan, for chopping of the hand and also causing a bone deep incised wound in *Parieto occipital region* of the size of 7.5 cm X 1.5 cm (injury no. 3); is enough to conclude that there was an intention to cause death. Out of the total seven injuries, three injuries have been suffered apparently due to the use of sharp edged weapon. Thus, appellant cannot escape from his liability for committing an offence to attempt to murder.

23. Countering the arguments of the counsel for the appellant, learned State counsel, submits that it is not the quantity of the evidence but the quality of evidence which is material. Thus, even deposition of a single witness is enough, if conscious of the Court is satisfied about the truth.

Learned State counsel further submits that there is no explanation by the appellant, to prove that he had no intention to cause grievous hurt to the complainant. He reads out the statement of Gurjit Kaur (PW2), and complainant – Santokh Singh (PW1), and submits that the ocular version is in corroboration with the medical evidence. Thus, there is no illegality or infirmity in the judgment passed by the Ld. Trial Court, and appeal filed by the appellant deserves to be dismissed.

24. I have considered the submissions addressed by respective counsel for the parties and perused the relevant material on record with their able assistance.

25. While considering the material available on record, vis-à-vis, charge under Sections 307, 326, 324 and 323 of IPC, Ld. Trial Court gave a finding that offence under Sections 307, 326, 324 and 323 of IPC is made

out. Finding recorded in para No.15 of the judgment (impugned herein) says as under:-

“16. So far as the argument of the learned defence counsel that no injury on the person of the complainant had been declared dangerous to life, nor could be said to be sufficient in the ordinary course of nature to cause death and, therefore, the charge under Section 307 IPC could not be said to have been made out is concerned. The authority Raju (supra) is distinguishable from the facts of the present case because in that case, there was no evidence that if timely medical aid had not been given, the injury would have necessarily caused death and on the same reasoning the authority Gurjant Sinah (supra) is distinguishable from the facts of the present case. Even the authority Tej Ram (supra) and the authority Sudarshan Kumar (supra) are distinguishable from the facts of the present case because in the said case, there was no evidence that injuries inflicted were sufficient in the ordinary course of nature to cause death. Otherwise also, if the intention to cause death is proved, it is not necessary that bodily injury capable of causing death should have been inflicted. Reliance in this behalf may be made to Ranbir @ Fauji and another (supra), and state of Maharashtra Vs. Bama Patila and others (supra). However, in the case in hand, there is positive evidence that the complainant Santokh Singh was proceeding on cycle and had reached in front of the house of accused Major Singh when accused Major Singh pushed the cycle from his gate in such a manner to strike the same with the cycle of the complainant to way lay him in which he succeeded and before the complainant could slip away, the accused was successful in bringing kirpan without sheath from his house and open the assault on the person of the complainant. Though the first blow given by the complainant was aimed on the vital part but the complainant had raised his right arm to ward off the blow and for safety on his vital organs but the blow was with such a magnitude of the force that it chopped off the entire right hand of the complainant. The matter did not rest here. The accused gave three other successive kirpan blows but as the injured

was retracing his steps, the said blows caused injuries under his right elbow, right shoulder and at the back. Considering the entire manner of the occurrence in which the accused after planning every thing first forcibly stopped the complainant throwing him from his bicycle and then bringing sharp edge weapon i.e. kirpan and gave four successive blows and as already noticed. the first blow was with great force and chopped off the right hand as the complainant was intending to ward off the blow. There had been previous grudge between the parties. The MLR of the injured Ex.PB and the report of the doctor Ex. PD. Ex.PG and the testimony of PWS Dr. Jatinder leaves no manner of doubt that the patient had not been provided the medical treatment as was administered at CMC, the injury could be dangerous to life. It may be that the said medical record of the CMC is not in the hand of PWS Dr. Jatinder but it was clarified in the defence that he was member of the team of the doctors, who carried out the operation of the injury on the person of the injured. therefore, can be safely concluded that the accused Major Singh intended to cause death of injured Santokh Singh and inflicted bodily injuries with sharp edged weapon. Besides the grievous hurt with sharp edged weapon and the simple hurt with sharp edged weapon, blunt injuries were also caused on the person of complainant and the blunt injuries possibly is the result of fall of the complainant from the cycle. Thus. the prosecution has been successful in bringing home guilt to accused Major Singh and shadow of reasonable doubt and the charge under Sections 307, 326, 324 and 323 IPC is amply established and the accused is accordingly convicted.”

26. Therefore, after going through the complete evidence (documentary and oral), hearing and recording of the submissions addressed by counsel for the appellants and Ld. DAG, Punjab; and looking at the cited judgments, this Court finds no reason to alter the judgment passed by the Ld. Trial Court. Thus, same is affirmed and appeal against the impugned judgment is hereby dismissed.

ORDER OF SENTENCE

27. Counsel for the appellant has submitted that appellant is an old aged person, now of the age of around 60 years and is facing the agony of prosecution since the year 2005 i.e. for the last about 17 years. Thus, in the matter of sentence, some lenient view be taken by awarding him some lesser sentence.

28. Looking at the nature of injuries suffered by the injured and the brutality in taking the revenge as expressed by the appellants, I do not find any reason to alter the order of sentence also, which has been awarded by the Ld. Trial Court vide order of sentence dated 19.02.2007. Thus, the same is maintained.

However, conditional bail order dated 21.05.2007 passed by this Court during the pendency of present appeal, be considered as part of the present order *qua* sentence also, and therefore, Ld. Trial Court would ensure that the complete amount of compensation to the injured is dispersed in compliance to the order dated 21.05.2007.

For convenience, relevant part of order dated 21.05.2007 is reproduced here-under:-

“..... In the facts and circumstances of the present case, where the injured-complainant has become completely disabled to an extent that he cannot earn his livelihood, the meager amount of Rs.20,000/-, even if paid to him, will be a mere eye-wash.

Consequently, the sentence awarded to the applicant-appellant is ordered to be suspended and he is directed to be released on bail to the satisfaction of learned Chief Judicial Magistrate,

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Hoshiarpur, however, subject to the condition that he shall pay a sum of Rs. one lac (including Rs.20,000/- directed to be paid by the learned Addl. Sessions Judge) to the injured-complainant, which shall be paid and received by both the parties without prejudice to their respective rights in this appeal and/or other related case.

It is further clarified that the afore-said amount is purely an adhoc and tentative determination of compensation for partial loss of livelihood and shall have no bearing on the proceedings, if any, initiated or contemplated by the injured-complainant in this regard. If the appellant fails to deposit the afore-stated amount within a period of three months from the date of his release on bail in the court of learned Chief Judicial Magistrate, Hoshiarpur, the order suspending his sentence shall be deemed to have been recalled and in that event, he shall surrender before the jail authorities to undergo the remainder of the sentence.

The learned Chief Judicial Magistrate shall ensure that as soon as the amount is deposited, the injured-complainant be paid the same without any delay, however, on furnishing personal bonds to his satisfaction.

The prayer made by the appellant in Crl. Misc. No.16260 of 2007 for stay of recovery of fine, therefore, cannot be entertained and the same is, accordingly, dismissed.

May 21, 2007.

(SURYA KANT)
JUDGE ”

In view of the aforementioned terms, the appeal is dismissed
with modification in the order of compensation only.

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29. Appellant – Major Singh is stated to be on bail. Chief Judicial Magistrate, Hoshiarpur, is directed to issue his re-arrest warrants, so as to get him arrested to undergo the remaining sentence.

30. So far as, CRR-766-2007 is concerned, in terms of the findings recorded herein-above in the appeal, Criminal Revision stands disposed of.

31. Miscellaneous application(s), if any, also stands disposed of.

32. Registry is directed to send back original lower court record along with a copy of this judgment to learned Trial Court, for taking further required steps including the recovery of fine/compensation amount, if already not paid, in accordance with law.

**(SANJAY VASHISTH)
JUDGE**

May 17, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No