

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

118

CRA-S-350-SB-2004 (O&M)  
Date of decision : 20.01.2024

Dalip Singh and others  
.....Appellants

Versus

State of Punjab  
..... Respondent

CRR-1300-2004

Gurnam Singh  
.....Petitioner

Versus

State of Punjab and others  
..... Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Dilsher Singh Mann, Advocate  
for the appellant in CRA-S-350-SB-2004

Mr. Jasraj Singh, Advocate,  
for the petitioner in CRR-1300-2004;  
for the complainant in CRA-S-350-SB-2004.

Mr. Manipal Singh Atwal, DAG, Punjab.

**AMAN CHAUDHARY, J.**

1. This common order shall dispose of the above-mentioned criminal appeal and revisions, as the same issues are involved therein.
2. Challenge in the present appeal is to the judgment/order dated 29.01.2004, passed by the learned Sessions Judge, Hoshiarpur, whereby the appellants were convicted and sentenced as under:

Dalip Singh

|             |                   |           |                  |
|-------------|-------------------|-----------|------------------|
| Offence u/s | Imprisonment      | Fine      | Default sentence |
| 307 IPC     | RI for four years | Rs.1000/- | RI three months  |

Narinder Singh

|             |                   |           |                  |
|-------------|-------------------|-----------|------------------|
| Offence u/s | Imprisonment      | Fine      | Default sentence |
| 307/34 IPC  | RI for four years | Rs.1000/- | RI three months  |

Mohinder Kaur

|             |                   |           |                  |
|-------------|-------------------|-----------|------------------|
| Offence u/s | Imprisonment      | Fine      | Default sentence |
| 307/34 IPC  | RI for four years | Rs.1000/- | RI three months  |

| Injuries caused to Gurnam Singh  |                |                        |                                |
|----------------------------------|----------------|------------------------|--------------------------------|
| 1.                               | Dalip Singh    | RI for one year        | Offence u/s 324                |
|                                  |                | RI for one year        | Offence u/s 324/34 IPC         |
|                                  |                | RI for six months      | Offence u/s 323/34             |
| 2.                               | Narinder Singh | RI for one year        | Offence u/s 324/34 IPC         |
|                                  |                | RI for one year        | Offence u/s 324 IPC            |
|                                  |                | RI for six months      | Offence u/s 323/34 IPC         |
| 3.                               | Mohinder Kaur  | RI for one year        | Offence u/s 324/34 IPC         |
|                                  |                | RI for one year        | Offence u/s 324/34 IPC         |
|                                  |                | RI for six months      | Offence u/s 323 IPC            |
| Injuries caused to Sarabjit Kaur |                |                        |                                |
| 1.                               | Dalip Singh    | RI for one year        | Offence u/s 324 IPC            |
|                                  |                | RI for six months each | Offence u/s 323 and 323/34 IPC |
| 2.                               | Narinder Singh | RI for one year        | Offence u/s 324/34 IPC         |
|                                  |                | RI for six months each | Offence u/s 323 and 323/34 IPC |
| 3.                               | Mohinder Kaur  | RI for one year        | Offence u/s 324/34 IPC         |
|                                  |                | RI for six months      | Offence u/s 323/34 IPC         |

All the sentences were ordered to run concurrently.

3. In CRR-1300-2004 the complainant has challenged acquittal of accused Parwiner Kaur from all charges, whereas of accused Narinder Singh under Section 307 IPC.

4. Succinctly, the prosecution story is that a case was registered on the statement of Gurnam Singh son of Kartar Singh, stating therein that on 29.6.1999 at about 11.00/11.30 AM, he started ploughing the land and in the meantime, Dalip Singh, his son Narinder Singh and Mohinder Kaur armed with various weapons came and inflicted injuries to him. Dharam Preet Singh and his wife

Surjit Kaur also received injuries from Dalip Singh and Narinder Singh. The

assailants thereafter, fled the spot. The injured were shifted to Civil Hospital, Tanda as well as Ludhiana. After investigation, challan was presented. On finding a prima facie case, charges under Sections 307, 323, 324 and 34 IPC were framed against the accused namely Dalip Singh, Narinder Singh and Mohinder Kaur, to which they pleaded not guilty and claimed trial.

5. The prosecution in order to bring home the guilt of the accused examined as many as 11 PWs. On closure of their evidence, statements of the accused-appellants were recorded under Section 313 of Cr.P.C. They denied all the incriminating circumstances that appeared against them in the prosecution case while pleading false implication by the police.

6. The learned trial Court after hearing the learned counsel for the parties, convicted and sentenced the accused-appellants as noticed in para above.

7. Aggrieved appellants have preferred the present appeal, while the complainant, the revision petition.

8. The appeal (CRA-S-350-SB-2004) has been abated qua Appellant No.3-Mohinder Kaur wife of Dalip Singh vide order dated 15.03.2023.

9. Learned counsel for the appellants in CRA-S-350-SB-2004, at the outset, submits that he does not wish to challenge the judgment of conviction and prays for reducing the sentence awarded to appellants, to the period of period already undergone i.e. Dalip Singh, aged about 74 years, - 04 years, 06 months, 17 days and Narinder Singh, aged 44 years, 02 years, 10 months, on account of the fact that they are not involved in any other case; never misused the concession of bail; sole bread winners of the family; have been facing the agony of protracted trial for the last 25 years and appellant-Narinder Singh has children of marriageable age.

10. On the other hand, learned State counsel submits that the trial Court after appreciating the evidence led by the prosecution, has rightly convicted and sentenced the appellants. Thus, he prays for the dismissal of the present appeal.

11. Learned counsel for the complainant-petitioner in CRR-1300-2004 contends that accused-Parwinder Kaur had also actively participated in the occurrence and caused injuries to the petitioner and his wife with an intention to kill them. Further, the trial Court has also committed an error in acquitting accused Narinder Singh from the charge under Section 307 IPC.

12. Heard the learned counsel on either side and perused the record.

13. Evidently, PW-3 Gurnam Singh, who was the injured in his deposition specifically named appellants, having caused injuries to him as well as other injured Dharampreet Singh and Sarabjit Kaur. His testimony stood corroborated by PW-8 Sarabjit Kaur. The MLRs of the injured were proved by Dr. Vipul Gupta. However, Parvinder Kaur @ Babby was found innocent during investigation and put in column No.2 in the challan, as also in an enquiry held by DSP Rajinder Singh. Further the injured witnesses were silent about her name. Moreover, injury, which falls under Section 307 IPC was attributed to accused Dalip Singh. Thus, the trial Court has rightly convicted appellants and there is no scope for interference in the findings recorded therewith and the conclusion arrived at. As such, the conviction of the appellants is upheld.

14. Insofar as the modification of sentence to the period already undergone is concerned, a worthwhile reference can be made to the judgment in **Surinder Singh vs. State (UT of Chandigarh)**, 2021 SCC OnLine SC 1135, wherein the accused was convicted under Section 307 IPC and Hon'ble the Supreme Court reduced the sentence of three years to 3 months and 19 days, by considering that the occurrence took place in 1999 and he was not a habitual offender, rather a

first-time convict.

15. Furthermore, in **Mohinder Singh and another vs. State of Punjab**, 1987 Supp SCC 65 the sentence of co-accused, convicted under Section 307 IPC, was modified by holding that no useful purpose will be served by sending him to jail after 12 years from the date of incident, in view of the fact that he was only 20 years old at that time.

16. Humanistically viewing, the appellants having suffered the ignominy of trial since long; successfully warded off their crime-proneness-an evident learning of a lesson; their socio-economic circumstances, this Court finds extenuation to be implicit. Thus, it would serve the ends of justice to reduce their sentence to the period already undergone by them, however, keeping the fine intact.

17. With the aforesaid modification in the order of sentence dated 29.01.2004, the present appeal-CRA-S-350-SB-2004 stands partly allowed, whereas CRR-1300-2004 is hereby dismissed.

18. A copy of this order be placed on the file of the connected case.

20.01.2024  
Ankur

(AMAN CHAUDHARY)  
JUDGE

Whether speaking/reasoned  
Whether reportable

:

Yes / No  
Yes / No