



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

201

1.

CRA-S-826-SB-2007 (O&M)

Date of decision: 08.09.2025

Raghubir Singh

.....Appellant

Versus

State of Haryana

.....Respondent

2.

CRR-2277-2007

Date of decision: 08.09.2025

Veer Bhan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Mohunta, Advocate and
Ms. Diksha Mahajan, Advocate
for the appellant in CRA-S-826-SB-2007 and
for respondents No.2 and 3 in CRR-2277-2007.

Mr. K.D.S. Hooda, Advocate
for the petitioner in CRR-2277-2007.

Mr. Gagandeep Singh Chhina, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J.

1. This judgement shall dispose of the Criminal Appeal bearing No.**CRA-S-826-SB-2007** preferred by the appellant/accused Raghubir Singh assailing his conviction and sentence under Section 307 IPC and Section 27 of the Arms Act, as also the connected Criminal Revision Petition bearing No.**CRR-2277-2007** preferred by the complainant/petitioner Veer Bhan, challenging the acquittal of co-accused Ram Mehar and for enhancing the sentence of

appellant/accused Raghubir Singh, in case FIR No.342 dated 17.12.2002 under Sections 307/34 of the IPC and Section 27 of the Arms Act, registered at Police Station Narnaund. Appellant/accused Raghubir Singh was convicted and sentenced as under:-

Offence(s) under Section	Period of sentence	Fine imposed	Period of sentence in default of payment of fine
307 of the IPC	RI for 10 years	Rs.2,000/-	RI for 03 months
27 of the Arms Act	RI for 02 years	Rs.1,000/-	RI for 01 month

1A. Both the sentences were ordered to be run concurrently.

2. Status report by way of affidavit of Devender Nain, HPS, Deputy Superintendent of Police, Narnaund, in CRA-S-826-SB-2007, on behalf of the State has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

Case of the Prosecution

3. The case of the prosecution may be summed up as thus. On 16.12.2002, ASI Mahender Singh of Police Station Hansi received information from the Government Hospital, Hansi, regarding the admission of Sunil, son of Veer Bhan, who had sustained firearm injuries and had been referred to PGIMES Rohtak.

4. Since Sunil was declared unfit to make a statement, his father Veer Bhan's statement was recorded. Complainant Veer Bhan stated that on 16.12.2002 at about 6.00/6.30 pm, his son was confronted in the street by accused Raghubir Singh and his son Ram Mehar. Raghubir Singh was armed with a double barrel gun. Without any

provocation, Raghubir Singh fired a shot at Sunil, which hit his left shoulder. As Sunil tried to run, Ram Mehar exhorted Raghubir Singh to fire again, whereupon Raghubir Singh fired another shot at Sunil, hitting him on his right hip, causing him to collapse.

5. On the statement made by Veer Bhan, a formal FIR was registered on 17.12.2002. During investigation, both accused were arrested on 18.12.2002, and the firearm with cartridges was recovered from accused Raghubir Singh. Upon completion of investigation, challan was presented against both the accused. Accused Raghubir Singh was charged for offence under Section 307 IPC and Section 27 of the Arms Act, whereas accused Ram Mehar was charged for offence under Section 307 read with Section 34 of IPC.

6. In support of its case, the prosecution examined 12 witnesses including PW-2 Dr. Anshu Chaudhary who radiologically examined injured Sunil on 17.12.2002 and noticed the following injuries:

“1. X-ray pelvis of both hips. X-ray left thigh with hip and found fracture of greater trochanter and neck femur left.

2. X-ray left shoulder with arm. Fracture scapula fracture humerus with multiple radio opaque shadows of metallic density.”

7. PW-3 Dr. Gaurav Arora, medico legally examined Sunil and proved MLR (Ex.P8). As per this witness, injured Sunil sustained the following three injuries:-

“1. There was a lacerated wound of 3 cm. diameter circular in nature. The margins were inverted. Some bone chips parts were coming from wound and fresh bleeding

was present. Wound is at lateral aspect of left shoulder anterior aspect near upper part of left arm, corresponding cut marks were present on clothes i.e. T-shirt and jacket. The clothes were to be sealed and handed over to the police.

2. There was a lacerated wound of size 2 cm. in diameter. Fresh bleeding was present on the back of left glutial.

3. There was a lacerated wound of size 1 cm. in diameter present on the upper part of lateral aspect of left thigh. Fresh bleeding was present.”

8. PW-3 Dr. Gaurav Arora opined injuries No.1 and 2 to be grievous in nature, whereas injury No.3 was declared simple. All the injuries were opined to have been caused by firearm. PW-3 Dr. Gaurav Arora further opined that if timely medical aid had not been given to injured Sunil, he would have died.

9. Injured Sunil appeared as PW-8 and fully corroborated the case of the prosecution. Complainant Veer Bhan, while appearing as PW-9 reiterated his version. PW-11 ASI Mahender Singh proved the investigation, recoveries, and FSL reports (Ex.PX and PY).

10. In their statements recorded under Section 313 of the Cr.P.C., both the accused denied the allegations and pleaded false implication on account of party faction.

11. The learned Trial Court, relying on the ocular testimony of PW-8 Sunil and PW-9 Veer Bhan, duly supported by medical evidence, convicted accused Raghubir Singh under Section 307 IPC and Section 27 of the Arms Act, while acquitting accused Ram Mehar on the ground that no specific injury was attributed to him and no recovery of any firearm was effected from him.

Submissions on Behalf of the Accused/Appellant in CRA-S-826-SB-2007

12. Learned counsel for the appellant has, at the outset, submitted that on the last date of hearing, he had inadvertently mentioned a kidney ailment; however, the appellant is in fact suffering from prostrate related medical condition (BPH), as per the latest medical report, which has been placed on record by way of affidavit of Deputy Superintendent of Police, Narnaund.

13. It has been argued on merits that the learned Trial Court erred in relying upon the inconsistent ocular and medical evidence. PW-3 Dr. Gaurav Arora denied that injuries No.2 and 3 could be firearm injuries, thereby falsifying the case of the prosecution. Learned counsel further argued that no specific motive was attributed to appellant Raghubir Singh; rather, the alleged motive was connected to co-accused Ram Mehar, who has already been acquitted.

14. A prayer has been made that in view of the inconsistent evidence on record and there being no previous history of enmity between the parties, it leaves no manner of doubt that the accused appellant has been falsely implicated and was not the person who fired at the injured Sunil.

Submissions on Behalf of the State and the Complainant/Petitioner in CRR-2277-2007

15. *Per contra*, learned State counsel, assisted by learned counsel for the complainant/petitioner in CRR-2277-2007, have opposed the prayer and submissions made by the counsel opposite and contended that the findings recorded by the learned Trial Court are

borne out by cogent evidence and do not suffer from illegality or perversity.

16. Learned counsel appearing for the complainant/petitioner in CRR-2277-2007 has further prayed that the acquittal of accused Ram Meher is erroneous as he was very much present with accused/appellant Raghubir Singh and, therefore, his passive participation in the occurrence in question was discernible. It was also argued that it was Ram Meher who had instigated his father to target the injured and fire towards him. In case timely medical assistance would not have been provided to injured Sunil, he would not have survived.

17. A prayer has, therefore, been made to set aside the acquittal of Ram Meher and convict him for offence under Section 307 read with 34 of the IPC, and for enhancing the sentence imposed upon accused Raghubir Singh.

Findings of the Court

18. I have heard learned counsel for the parties and perused the relevant material on record.

19. The ocular testimony of injured PW-8 Sunil, who had no reason to falsely implicate the accused, comes across as fully reliable. His version that accused/appellant Raghubir Singh fired two gunshots finds corroboration in the statement of PW-9 Veer Bhan and the medical evidence. PW-3 Dr. Gaurav Arora, categorically opined that injuries were firearm injuries. The MLR (Ex.P8) shows injury No.1 to be grievous and dangerous. The manner of assault—firing twice at an

unarmed victim—unequivocally establishes the intention of the appellant and knowledge that his act could result in the death of Sunil.

20. The recovery of the firearm from Raghbir Singh further strengthens the case of the prosecution. The learned Trial Court, therefore, rightly convicted him under Section 307 IPC and Section 27 of the Arms Act. This Court finds no illegality or perversity warranting interference with the conviction of appellant Raghbir Singh. The impugned order of conviction is accordingly upheld.

21. At this stage, a request has been made by learned counsel for the appellant/accused Raghbir Singh for taking lenient view in view of the fact that the FIR dates back to the year 2002 and appellant has endured the ordeal of protracted criminal proceedings, is peace-loving and law-abiding citizen, and has no other criminal antecedents. Therefore, no useful purpose would be served by subjecting the appellant to further incarceration.

22. In the considered view of this Court, having regard to the facts enumerated hereinabove, particularly the circumstance that the FIR was registered more than two decades back, and taking note of the fact—undisputed by the learned State counsel, that appellant/accused Raghbir Singh has not indulged in any other criminal act thereafter and has otherwise been leading a disciplined and law-abiding life, it would not be appropriate to send him back to prison at this stage of life, especially when he has already borne the brunt of prolonged trial proceedings.

23. In the totality of circumstances, ends of justice would be

adequately met if, while upholding the conviction of appellant/accused Raghbir Singh, his substantive sentence of rigorous imprisonment for a period of 10 years under Section 307 of the IPC is reduced to rigorous imprisonment for 05 years.

24. Ordered accordingly.

25. However, the fine imposed imposed upon appellant Raghbir Singh is enhanced from Rs.3,000/- in toto to Rs.10,000/-. The enhanced amount of fine is to be deposited with the “Haryana State Legal Services Authority” within two months from the date of this order. It is made clear that in the event of non-deposit of the enhanced fine within a period of two months from today, the benefit of reduction of sentence shall not accrue to appellant Raghbir Singh, and he shall be required to undergo the remaining part of the sentence awarded to him by the learned Trial Court.

26. The learned Trial Court is directed to take necessary steps for taking appellant Raghbir Singh in custody to serve out remaining sentence to complete rigorous imprisonment for 05 years.

27. With the aforesaid modification in the quantum of sentence and enhancement of fine, the Criminal Appeal bearing No.**CRA-S-826-SB-2007** preferred by appellant Raghbir Singh stands disposed of.

28. Pending applications, if any, stand disposed of.

29. However, as far as accused Ram Meher is concerned, the findings of the learned Trial Court are well reasoned one, as admittedly neither any injury has been attributed to him nor any weapon of offence was recovered. The only role attributed to him is a *lalkara*. Therefore,

accused Ram Mehar was rightly extended the benefit of doubt and acquitted by the learned Trial Court.

30. Accordingly, Criminal Revision Petition bearing No.**CRR-2277-2007** preferred by the complainant/petitioner Veer Bhan is hereby dismissed.

08.09.2025

Vinay

(**MANJARI NEHRU KAUL**)
JUDGE

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