

2025:PHHC:028895



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

CRR-2151-2008(O&M)

Date of Decision:-27.02.2025

Hira Lal & Ors.

.....Petitioners.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rajiv Kataria, Advocate for the Petitioners.

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 08.10.2008 passed by Additional Sessions Judge (Adhoc), Jalandhar whereby the appeal filed against the judgment of conviction and order of sentence dated 05.12.2007 passed by Judicial Magistrate Ist Class, Jalandhar has been dismissed.

2. The FIR in the present case came to be registered on 19.06.1999. The judgment of conviction was passed on 05.12.2007 by the Judicial Magistrate Ist Class, Jalandhar. The Appeal filed against the order of conviction was dismissed on 08.10.2008 by the Additional Sessions Judge (Adhoc), Jalandhar. The instant revision petition was filed on 18.10.2008 and has come up for final hearing now i.e. after a period of 25 years from the date of registration of the FIR.

3. The brief facts of the prosecution case are that Dr. Amar Nath got recorded his statement that he was the owner of Dogra Ayurvedic Hospital at Tanda Road, Jalandhar and his residence was also within his clinic in which his younger son Vishaw Priya alongwith his family was residing. The board of his hospital had fallen down due to a storm and rain and he tried to install his board in front of his clinic. The accused persons namely Hira Lal and Raj Balbir obstructed him and the accused filed a suit and took stay order from the court. Later, the stay order was vacated.

On 19.6.1999 at about 9 AM when he alongwith Savdesh Priya came to his hospital and his son was standing in the court yard of the hospital, at about 9.30 AM Hira Lal armed with kirpan, Vijay Kumar armed with Iron rod, Boota Ram armed with iron rod and Rohit armed with iron rod came into the hospital and Boota Ram raised a Lalkara that both son and father be caught. Thereafter, Hira Lal gave a kirpan blow hitting on the back of the head of his son SP Dogra and he fell down on the ground. Raj Balbir gave rod blow hitting on the back of his son and other injuries were also caused by him. He entered his room and raised an alarm. On hearing the alarm Ashok Kumar son of Kesar Ram, Vijay Kumar son of Dhian Chand and his son Vishaw Priya came at the spot and they got rescued him and the accused persons fled away from the spot alongwith their weapons. While leaving the spot, the accused persons damaged the glasses of the hospital. His son Vishaw Priya got admitted in the hospital. On this statement, the ASI sent a ruqa to the police station for registration of a case on which the present case was registered. The accused were arrested and necessary Investigation was done. The MLR was taken into police possession. Blood stained clothes were also taken into police possession during the investigation. On completion of the necessary investigation, challan against

the accused was presented in the court.

4. After finding a prima facie case, charges Under Sections 323, 324, 427, 452 IPC were framed against the accused, to which the accused pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined Dr. Amar Nath as PW1, Sawdesh Priya as PW2, Vijay Kumar as PW3, HC Jaswinder Singh as PW4, ASI Rajinder Nath as PW5, Dr. Jatinder Gandhi as PW6, Dr. Inderjit Singh as PW7 and Dr. J.S. Bath as PW8.

6. After closure of the prosecution evidence, the statements of the accused were recorded under Section 313 Cr.PC in which all the incriminating evidence appearing against them was put to them. They pleaded false implication and innocence.

7. In defence the accused examined Rajinder Singh as DW-1, Jatinder Singh as DW-2 and HS Kahlon as DW-3 and closed their defence evidence.

8. Based on the evidence led, the accused/petitioners came to be convicted and sentenced by the court of Judicial Magistrate Ist Class, Jalandhar vide judgment and order of sentence dated 05.12.2007 as under:-

VIJAY KUMAR & ROHIT

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
323 IPC	RI for 06 Months each	-	-
324/34 IPC	RI for 01 Year each	Rs.500/- each	RI for 01 Month each

RAJ BALBIR & HIRA LAL

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
323 IPC	RI for 06 Months each	-	-
324/34 IPC	RI for 01 Year each	Rs.500/- each	RI for 01 Month each

All the aforesaid sentences were ordered to run concurrently.

The accused/petitioners preferred an appeal which came to be

dismissed by the Court of Additional Sessions Judge (Adhoc), Jalandhar vide judgment dated 08.10.2008.

10. The aforementioned judgments are under challenge in the present petition.

11. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 24.10.2008.

12. The learned counsel for the petitioners contends that the judgments of conviction are based on conjectures and surmises. The medical evidence is contrary to the ocular account. There are material discrepancies in the statements of the prosecution witnesses which creates a doubt in the entire prosecution case. In addition, he contends that in case this Court was to come to a finding that the prosecution had established its case beyond reasonable doubt, then keeping in view the fact that the occurrence was of the year 1999 and the case had come up for final hearing now after a gap of 25 years, the accused/petitioners may be released on probation or their sentence be reduced to the period already undergone by them subject to payment of compensation.

13. The Counsel for the State on the other hand has filed custody certificates of the accused/petitioners dated 27.02.2025 in the Court today, which are taken on record. He contends that the prosecution witnesses have deposed consistently as to the manner in which the occurrence took place. The medical evidence is totally in consonance with the ocular account. Minor discrepancies cannot affect the prosecution case in its entirety. Looking into the allegations against the petitioners, they are not entitled to the concession of reduction of sentence and the present petition is liable to

be dismissed.

14. I have heard learned Counsel for the parties and examined the record.
15. A perusal of the record would reveal that the prosecution witnesses have deposed consistently as to how and in what manner the occurrence took place. The medical evidence on record is in consonance with the version of the prosecution witnesses. Though there are certain minor discrepancies, but the same are not fatal to the prosecution case.
16. In view of the aforementioned discussion, I find no merit in the present petition and the same stands dismissed.
17. As regards the imposition of sentence, the occurrence pertains to the year 1999 and as many as 25 years have passed ever since then. A perusal of the custody certificates of the accused/petitioners would show that they do not have any criminal antecedents and are first time offenders. Therefore, the sentence of the accused/petitioners is reduced to the period already undergone by them i.e. 17 days each.
18. The present revision petition stands disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

February 27, 2025
Vinay

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