

CRR-2173-2008 (O & M)

2025:PHHC:014971



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(201-2)

Date of Decision: 31.01.2025

1) CRR-2173-2008 (O&M)

Pargat Singh @ KalaPetitioner

Versus

State of Punjab ...Respondent

2) CRR-2176-2008 (O&M)

Vikramjit Singh @ Vicky and ors.Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Aarav Gupta, Advocate, as Amicus Curiae
with Mr. Tajender K. Joshi, Advocate,
for the petitioner(s) in both the petitions.

Mr. Harkanwar Jeet Singh, AAG, Punjab,
for the respondent.

JASJIT SINGH BEDI, J.

This order shall dispose of two criminal revisions petitions i.e.
CRR-2173-2008 on behalf of accused-petitioner, namely, Pargat Singh @
Kala and **CRR-2176-2008** on behalf of accused-petitioners No.1 to 3,
namely, Vikramjit Singh @ Vicky, Manjit Singh and Amrik Singh as the
same arise out of a similar FIR.



2. The prayer in these revision petitions is for setting aside the judgment dated 22.09.2008 passed by the Additional Sessions Judge, Muktsar whereby the appeal against the judgment of conviction and order of sentence dated 03.03.2008 passed by the Judicial Magistrate Ist Class, Muktsar has been dismissed.

3. The FIR in the present case came to be registered on 15.07.2003. The judgment of conviction and order of sentence was passed on 03.03.2008 by the Judicial Magistrate Ist Class, Muktsar. The Appeal filed against the judgment of conviction and order of sentence was dismissed on 22.09.2008 by the Additional Sessions Judge, Muktsar. The instant revision petitions were filed on 17.10.2008 and 20.10.2008 respectively and have come up for final hearing now i.e. after a period of 21 years from the date of registration of the FIR.

4. For the sake of convenience, the facts are taken from the petition bearing No.CRR-2173-2008.

5. The brief facts of the case are that complainant-Kashmir Singh got registered FIR No.107 dated 15.07.2003 under Sections 323, 325, 148 and 149 IPC, Police Station Sadar, Muktsar with the allegations that Vikramjit Singh @ Vicky son of Kashmir Singh, Pargat Singh alias Kala son of Amar Singh, Amrik Singh son of Jit Singh and Manjit Singh son of Jit Singh and one Amrinder Singh @ Makhan had assaulted him on account of a dispute arising out of Panchayat elections.



6. During the course of his medical examination, it was found that the complainant-Kashmir Singh had suffered 15 injuries and injuries No.2 to 4 were declared grievous in nature.

7. On conclusion of the investigation, the report under Section 173(2) Cr.P.C. was submitted against four accused, namely, Vikramjit Singh @ Vicky, Pargat Singh @ Kala, Amrik Singh and Manjit Singh whereas accused-Amrinder Singh @ Makhan was found to be a juvenile and therefore, his case was segregated.

8. On conclusion of the Trial, the accused-petitioner, namely, Pargat Singh @ Kala (in CRR-2173-2008) and accused-petitioners, namely, Vikramjit Singh @ Vicky, Amrik Singh and Manjit Singh (in CRR-2176-2008) came to be convicted and sentenced by the court of the Judicial Magistrate Ist Class, Muktsar vide judgment of conviction and order of sentence dated 03.03.2008 as under:-

Name of the Convict	Offence	RI Sentence	Fine	RI in default of payment of fine
Pargat Singh @ Kala	U/S 325 IPC	02 years	1000/-	02 months
	U/S 323 IPC	01 year	500/-	02 months
	U/S 148 IPC	01 year	--	--
Vikramjit Singh @ Vicky	U/S 325/149 IPC	02 years	500/-	02 months
	U/S 323 IPC	01 year	500/-	02 months
	U/S 148 IPC	01 year	--	--
Amrik Singh	U/S 325/149 IPC	02 years	500/-	02 months
	U/S 323 IPC	01 year	500/-	02 months



	U/S 148 IPC	01 year	--	--
Manjit Singh	U/S 325/149 IPC	02 years	500/-	02 months
	U/S 323 IPC	01 year	500/-	02 months
	U/S 148 IPC	01 year	--	--

All the sentences were ordered to run concurrently.

8. While accused-Amrik Singh filed an appeal bearing No. Crl. Appeal No.18/05.04.2008, the accused-Vikramjit Singh @ Vicky, Pargat Singh @ Kala and Manjit Singh had filed an appeal bearing No. Crl. Appeal No.11 IPC/27.03.2008.

9. On consideration of the material on record, both the aforesaid appeals came to be dismissed by the Court of Additional Sessions Judge, Muktsar, vide a common judgment dated 22.09.2008.

10. Thereafter, the instant revision petitions i.e. CRR No.2173 of 2008 by the accused-petitioner/Pargat Singh @ Kala and CRR-2176-2008 by the accused-petitioners No.1 to 3, namely, Vikramjit Singh @ Vicky, Manjit Singh and Amrik Singh have been filed impugning the aforementioned judgments.

11. During the pendency of the instant revision petitions, the sentence of the accused/petitioners was suspended vide order dated 04.11.2008 passed by this Court.

12. The learned Amicus Curiae and the learned counsel for the petitioners in both the petitions contend that the judgments of conviction and order of sentence are based on conjectures and surmises. The medical



evidence was totally in variance with the ocular account. There was no evidence of any prior enmity as the elections had taken place two years ago. No weapon was recovered during the course of investigation. In the alternative, it is prayed that as the occurrence was of the year 2003 and the accused-petitioners had clean antecedents, they be released on probation or their sentence be reduced to the period already undergone by them.

12. The Counsel for the State, on the other hand, has filed separate custody certificates dated 31.01.2025 of the accused-petitioners, which are taken on record. As per the said custody certificates, the accused-petitioners have undergone 1 month 15 days out of their substantive sentence. He contends that the medical evidence is totally in consonance with the ocular account. The complainant-injured/Kashmir Singh had deposed clearly regarding the manner in which the occurrence has taken place. PW-4/Dr. Sukhpal Singh has conducted the medico legal examination of Kashmir Singh and found 15 injuries 03 of which were grievous. Thus, as the case stands established beyond reasonable doubt, the present petitions were liable to be dismissed. As regards the reduction of sentence, he contends that the nature of the offence committed by the accused-petitioners did not entitle them to the concession of either probation or reduction of their sentences.

13. I have heard the learned counsel for the parties.

14. A perusal of the depositions of complainant-injured/Kashmir Singh (PW-1) and his brother-Gurbachan Singh (PW-2) would show that



they are consistent in material particulars. Their depositions are completely in consonance with the medical evidence as brought on record by PW-4/Dr. Sukhpal Singh. There is absolutely no reason for the complainant to exonerate the real accused and falsely implicate the present accused on account of injuries suffered by him. Therefore, as the offence stands established beyond reasonable doubt, I find no fault in the impugned judgments dated 03.03.2008 and 22.09.2008 passed by the Trial Court as well as the Lower Appellate Court. Thus, the present petitions stand dismissed.

15. As regards imposition of sentence, it may be pertinent to mention here that the occurrence pertains to the year 2003. The accused-petitioners came to be convicted vide judgment of conviction and order of sentence dated 03.03.2008 passed by the Judicial Magistrate Ist Class, Muktsar. The appeal against the aforesaid judgment of conviction and order of sentence was dismissed vide judgment dated 22.09.2008 passed by the Additional Sessions Judge, Muktsar. The instant revisions petitions were filed in the year 2008. As many as 21 years have elapsed after the registration of the FIR. Therefore, the accused-petitioners have suffered a protracted Trial. They are also first time offenders as is borne out from the custody certificates dated 31.01.2025. Therefore, the sentence of the accused/petitioners is reduced to the period already undergone by them i.e. 1 month and 15 days subject to their paying a sum of Rs.10,000/- each as compensation to the complainant/injured-Kashmir Singh within a period of

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4 weeks from the date of receipt of a certified copy of this order failing which they shall surrender to undergo the sentence imposed upon them.

16. The present revision petitions stand disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

January 31, 2025
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No