

CRR-2597-2008 (O & M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(203)

CRR-2597-2008 (O & M)
Date of Decision: 27.02.2025

Nikka Singh and ors.

...petitioners

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Doli Sharma, Advocate, as Amicus Curiae
for the petitioners.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 30.09.2008 passed by Additional Sessions Judge Muktsar, whereby the appeal filed against the judgment of conviction and order of sentence dated 25.01.2008 passed by Judicial Magistrate Ist Class, Muktsar has been dismissed.

2. The FIR in the present case came to be registered on 20.06.2005. The judgment of conviction was passed on 25.01.2008 by the Judicial Magistrate Ist Class, Muktsar. The Appeal filed against the order of conviction was dismissed on 30.09.2008 by the Additional Sessions Judge, Muktsar. The instant revision petition was filed on 04.12.2008 and has come up for final hearing now i.e. after a period of almost 20 years from the date of registration of the FIR.



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3. The case was registered on the statement of Mander Singh (hereinafter called as 'the complainant'). As per the statement made by complainant on 14.06.2005 before the Investigating Officer, he was a resident of village Bhullar and a labourer. On 13.06.2005, at about 3.00 PM, he was going to Muktsar to purchase books for his daughter Sukhjot Kaur. When he reached near the shop of Sonu son of Surinderpal, he found the accused-petitioner No.1/Nikka Singh present there armed with *danda*. The accused was accompanied by his father accused-petitioner No.2/Mukha Singh having *kuhari* in his hand. The accused-Nikka Singh exhorted to teach a lesson to the complainant for peeping in their house. The accused-petitioner No.2/Mukha Singh gave *kuhari* blow in the head region of the complainant. After throwing the *kuhari*, the accused caught the complainant. Thereafter, the accused/ petitioner No.1/Nikka Singh gave blows by means of a *danda* on the person of complainant. In the meantime, the accused-petitioner No.3/Gurmeet Singh came to the spot armed with a *danda* and he also assaulted the complainant. The complainant raised an alarm which attracted his elder brother Gurmeet Singh. Thereafter, the accused fled away from the scene with their respective weapons. According to the complainant, he had dispute with the accused/petitioners around 5-6 years back which resulted into a compromise with the intervention of the Panchayat. The accused-petitioners without any reason had assaulted him. He was shifted to the Govt. Hospital by his father Balwant Singh.



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4. The police received the MLR of complainant on 13.06.2005. A police party led by ASI Bhag Singh visited the Civil Hospital on that day. The doctor concerned gave an opinion that the complainant was fit to make a statement but the complainant refused to give a statement in order to seek opinion from his family. The Investigating Officer visited the Civil Hospital on the next day i.e. 14.06.2005 and recorded the afore-mentioned statement. As per the medico legal report of the complainant, six injuries were mentioned therein which were kept under observation and were opined to be caused by a blunt weapon. The Investigating Officer made a entry no.17 dated 14.06.2005 in the daily diary register. On 20.06.2005, the X-ray report was received whereby injuries No.3 and 4 were declared to be grievous and the remaining injuries were observed to be simple. A formal case was got registered. The Investigating Officer visited the place and prepared a site plan. Statements of the witnesses were recorded. The accused-petitioners were arrested on 22.06.2005 and weapons were recovered from them. The recovery memos were prepared. Personal search memo of accused-petitioners were also prepared. On completion of the investigation and necessary formalities, the accused-petitioners were challaned to face trial.

5. Finding a *prima facie* case, the accused-petitioners were served with charge-sheet punishable under Sections 325/323/34 IPC. The accused-petitioners pleaded not guilty and claimed trial.

6. In order to prove its allegations, the prosecution examined Dr. PN Girdhar SMO PW-1; Mander Singh PW-2; Gurmeet Singh PW-3;



Dr. Vandana Bansal, Medical Officer as PW-4 and ASI Bhag Singh PW-5.

After the closure of the prosecution evidence, the incriminating material as appearing on the record was put to the accused-petitioners and their respective statements under Section 313 Cr.P.C. were recorded. They denied the allegations of the prosecution as false and alleged that they had not caused any injury to the complainant. In defence evidence, the accused examined Neela Singh/DW-1 and Ajaib Singh/DW-2

7. Based on the evidence led, the accused/petitioners 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 25.01.2008 as under:-

Gurmeet Singh (accused-petitioner No.3)

Sr. No.	Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
1.	325 IPC	RI for 01 year	Rs.500/-	RI 02 months
2.	323/34 IPC	RI for 06 months	Rs.500/-	RI for 02 months

Nikka Singh (accused-petitioner No.1)

Sr. No.	Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
1.	325/34 IPC	RI for 09 months	Rs.500/-	RI 02 months
2.	323/34 IPC	RI for 06 months	Rs.500/-	RI for 02 months



Mukha Singh (accused-petitioner No.2)

Sr. No.	Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
1.	325/34 IPC	RI for 09 months	Rs.500/-	RI 02 months
2.	323/34 IPC	RI for 06 months	Rs.500/-	RI for 02 months

All the aforesaid sentences were ordered to run concurrently.

8. The accused/petitioners preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Muktsar vide judgment dated 30.09.2008.

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

10. During the pendency of the instant revision petition, the sentences of the accused/petitioners were suspended vide order dated 05.12.2008.

11. 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. Therefore, the impugned judgments are liable to be set aside. 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 2005 and the case had come up for final hearing now after a gap of 20 years, the accused-petitioners may be



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released on probation or their sentences be reduced to the period already undergone by them subject to payment of compensation.

12. The Counsel for the State on the other hand has filed separate custody certificates of the accused/petitioners dated 26.02.2025 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.

13. I have heard learned Counsel for the parties and examined the record.

14. 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.

15. In view of the aforementioned discussion, I find no merit in the present petition and the same stands dismissed.

16. As regards the imposition of sentence, admittedly, the occurrence pertains to the year 2005 and as many as 20 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

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antecedents and are first time offenders. Therefore, the sentence of the accused/petitioners is reduced to the period already undergone by them i.e. 02 months 08 days.

17. The present revision petition stands disposed of in the above terms alongwith the pending applications, if any.

(JASJIT SINGH BEDI)
JUDGE

February 27, 2025
sukhpreet

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