



**103-3&4 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 07.04.2025

(i)

CRR-1462-2003 (O&M)

Samey Singh and Others

...Petitioners

Versus

Sher Singh and Others

...Respondents

(ii)

CRR-849-2003 (O&M)

Sher Singh

...Petitioner

Versus

Samey Singh and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukhsharan Sra, Advocate
for the petitioner in CRR-849-2003.

Ms. Supriya Garg, Advocate
and Mr. Rohan Garg, Advocate
for the petitioners in CRR-1462-2003.

HARPREET SINGH BRAR, J.(ORAL)

CRR-1462-2003 (O&M)

1. The present revision petition is preferred by the petitioner against judgment of conviction dated 10.03.2003 and order of sentence dated 11.03.2003 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhari, in the case stemming from DDR No.15 dated 21.06.1998 registered under Sections 323, 325, 34 of Indian Penal Code, 1860 (hereinafter IPC) in



CRR-1462-2003 (O&M)
& 01 connected case

2

FIR No.114 dated 20.06.1998 registered under Sections 323, 325, 148, 149, 506 of Indian Penal Code, 1860 (hereinafter IPC) at Police Station Sadar, Jagadhari, seeking enhancement of sentence of the respondents. The respondents herein namely Sher Singh and Ram Singh were sentenced as under:

Offence under	Sentence
Section 323 read with Section 34 of the IPC	Rigorous Imprisonment for six months and a fine of Rs. 500/-, in default of which rigorous imprisonment of one month each.
Section 325 read with Section 34 of the IPC	Rigorous Imprisonment for two years and a fine of Rs. 500/-, in default of which rigorous imprisonment of one month each.

It was ordered that both sentences shall run concurrently.

CRR-849-2003 (O&M)

2. The present revision petition is preferred by the petitioner against judgment of conviction dated 10.03.2003 and order of sentence dated 11.03.2003passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhari, in FIR No. 114 dated 20.06.1998 registered under Sections 148, 149, 323, 325, 307 and 306 of IPC at Police Station Sadar, Jagadhari, seeking enhancement of sentence of the respondents. The respondents herein namely Samay Singh, Jai Pal and Raj Kumari were sentenced as under:

Offence under	Sentence
Section 323 read with Section 34 of the IPC	Rigorous Imprisonment for six months and a fine of Rs. 500/- each, in default of which rigorous imprisonment of one month each.
Section 325 read with Section 34 of the IPC	Rigorous Imprisonment for two years and a fine of Rs. 500/- each, in default of which rigorous imprisonment of one month each.



Section 307 read with Section 34 of the IPC	Rigorous Imprisonment for three years and a fine of Rs. 1000/- each, in default of which rigorous imprisonment of two month each.
--	---

It was ordered that all sentences shall run concurrently.

3. This common order shall decide both the aforementioned revision petitions as it is a matter of version and cross-version of events. However, for the sake of brevity, the facts are taken from CRR-1462-2003.

4. Succinctly, the facts, as alleged, are that on 21.06.1998, ASI Randhir Singh recorded the statement of petitioner No.4- Jai Pal (PW8) at Civil Hospital, Jagadhri, wherein, he stated that he and his brother, petitionerNo.1-Samay Singh were cultivating a piece of agricultural land as tenants. A civil dispute regarding the same was pending among the five brothers. On 20.06.1998, at around 11:00 a.m., petitioner No.1-Samay Singh was ploughing the land with a tractor, petitioner No.4-Jai Pal, along with his wife Raj Kumari (PW6) and son Adesh Kumar (PW7), were collecting garbage from the field, when respondent No.1-Sher Singh, armed with a *barchhi*, respondent No.2-Ram Singh, armed with a *saria*, and Raj Kali, armed with a *gandasi*, arrived there and objected to their presence on the land. When the petitioners insisted that they were lawfully cultivating the land, respondent No.1-Sher Singh struck petitioner No.4 on the head with a *barchhi*, respondent No.2-Ram Singh gave a *saria* blow on his right arm, and Raj Kali struck Raj Kumari on the head with a *gandasi*. Respondent No.3-Manoj Kumar and respondent No.4-Rajesh, sons of respondent No.2, beat Adesh Kumar with *dandas*. A quarrel ensued and both the parties inflicted injuries to each other. All injured persons were taken to the hospital. On the statement of the



respondent No.1, FIR(*supra*) was registered while on the statement of the petitioner No.4, a cross-case by way of DDR No. 21 dated 20.06.1998 was recorded.

4. After assessing all material on record, the learned trial Court convicted and sentenced the petitioners and respondents, in their respective matters, as mentioned above.

5. Learned counsel for the petitioners in CRR-1462-2003 *inter alia*, contends that the respondents No.3 and 4 have been wrongly acquitted for serious offences under Sections 323, 325, 34 IPC even though the evidence on record proves their guilt. The learned trial Court has also fallen in grave error by not awarding the maximum sentence for the offences under Sections 323, 325 read with Section 34 IPC to Sher Singh and Ram Singh. Further, the respondents have disobeyed the order of the learned Civil Court and have caused injuries to the petitioners, therefore, they do not deserve any leniency and maximum sentence should be awarded.

6. *Per contra* learned counsel for the petitioner in CRR-849-2003 submits that the prosecution has successfully established the guilt of the respondents (in CRR-849-2003) namely Samay Singh, Raj Kumari, Jai Pal (petitioners No.1, 2 and 4, respectively, in CRR-1462-2003), in the case stemming from FIR(*supra*) beyond the threshold of reasonable doubt, warranting their conviction and imposition of an appropriate sentence. It is further contended that the essential ingredients of Section 307 IPC stand duly proved against the respondents, as they, in furtherance of a common object, inflicted grievous injuries on Raj Kali by deliberately running her over with a tractor. Moreover, the respondents were found to be forcibly and unlawfully



cultivating the disputed land, in blatant violation of the *status quo* order passed by the learned Civil Court, which was subsequently upheld by the learned lower Appellate Court in the civil litigation between the parties. In light of the gravity of the offence, it is urged that the respondents namely Samay Singh, Raj Kumari, Jai Pal (petitioners No.1, 2 and 4 respectively, in CRR-1462-2003) be awarded the maximum sentence permissible under law.

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that a property dispute between real brothers resulted in the alleged incident, causing registration of FIR(*supra*) and DDR(*supra*) for their version of events.

8. The FIR and DDR in the present case were both lodged on 20.06.1998 and the parties have been suffering the agony of trial for the last 27 years. It also appears that the parties involved do not have any criminal antecedents. Pertinently, petitioners No.1, 2 and 4 have been acquitted under Section 307/34 of IPC vide judgment dated 07.04.2025 passed by this Court in CRA-S-573-SB-2003 and the remainder of their sentence has been reduced to the duration of custody already undergone by them. As a matter of fact, respondent No.1-Sher Singh and respondent No.2-Ram Singh have been released on probation by this Court vide judgment dated 07.04.2025 in CRA-S-639-SB-2003. Therefore, this Court does not find any reason to interfere with the same as the parties involved deserve an opportunity to reform.

9. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully



fathom his mistake and channel that awareness into making fruitful contributions in society.

10. In *Deo Narain Mandal vs. State of U.P. (2004) 7 SCC 257*, the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient.

11. Further, the Hon'ble Supreme Court in *Ravada Sasikala vs. State of AP AIR 2017 SC 1166*, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

12. The findings recorded by the learned trial Court in both cases indicate no perversity which would inspire this Court to interfere and enhance



**CRR-1462-2003 (O&M)
& 01 connected case**

7

the sentence awarded. Accordingly, both the abovementioned revision petitions are dismissed.

13. Pending miscellaneous application(s), if any, also stand(s) disposed of.

14. A photocopy of this order be placed on the file of other connected case.

**(HARPREET SINGH BRAR)
JUDGE**

07.04.2025
manisha

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