

**CRR-2463-2010 (O & M)
and other connected petitions**

2025:PHHC:063098



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(207-3) Date of decision: 13.05.2025

(1) CRR-2463-2010 (O & M)

Balbir Singh and anr.

.... Petitioner(s)

V/s

State of Haryana

...Respondent

(2) CRR-2477-2010 (O & M)

Rajbir and others

.... Petitioner(s)

V/s

State of Haryana

...Respondent

(3) CRR-2799-2010 (O & M)

Jaggu alias Jagbir

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.S. Malik, Advocate, (in CRR-2463-2010),
Ms. Neeru Bansal, Advocate as Amicus Curiae with
Mr. Ajit Singh, Advocate (in CRR-2477-2010) and
Ms. Mamta Saini, Advocate as Amicus Curiae
(in CRR-2799-2010)
for the petitioner(s).

Mr. Viney Phogat, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of three criminal revision petitions i.e.

CRR Nos.2463, 2477 and 2799 of 2010 as they arise out of the same FIR.



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2. The above-mentioned revision petitions have been preferred against the judgment dated 24.08.2010 passed by the Additional Sessions Judge, Sonapat whereby the judgment of conviction and order of sentence dated 13/16.03.2007 passed by the Additional Chief Judicial Magistrate, Sonapat has been dismissed.

3. The FIR in the present case came to be registered on 17.08.1996. The judgment of conviction and order of sentence was passed on 13/16.03.2007 by the Additional Chief Judicial Magistrate, Sonapat. Two separate appeals filed against the judgment of conviction and order of sentence were dismissed on 24.08.2010. The instant revision petitions were filed on 08.09.2010 and 08.10.2010 respectively and have come up for final hearing now i.e. after a period of 29 years from the date of registration of the FIR.

4. The learned counsel for the petitioner No.2-Rattan son of Prabhu (in CRR-2463-2010), at the very outset, submits that the said Rattan has expired on 11.10.2020. Therefore, the petition (CRR-2463-2010) qua petitioner No.2-Rattan (deceased) stands abated.

5. For the sake of convenience, the facts are being taken from the petition (CRR-2463-2010).

6. The facts of the case germane from the report under Section 173 Cr. P.C. are that 17.08.1996 SI/SHO Hari Singh alongwith H.C. Om Parkash, H.C. Rajaender, Constable Mehar, Constable Jai Parkash, went to general hospital, Sonapat on receipt of a telephonic message and obtained



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MLR and ruqa of the injured persons. SI/SHO Hari Singh, after obtaining the opinion of the doctor-attendant, recorded the statement of Todar Mal, who stated that he was a Teacher in a School situated at Narela. He was on leave due to eve of the "Teej festival". At about 9.30 A.M., he was standing in front of the house of Brahma and in the house of Brahma, the son of Brahma, Surender, Jagbir, Sukhbir and his Bhabhi Phoolpati (wife of his brother) and his cousin brother Dayanand were present. In the meantime, accused Anup Singh, Sunil armed with "*Gandasas*" Bijender armed with "sword", Ranbir armed with "*Gandasa*", Mohinder armed with "axe", Jaggu armed with "*Gandasa*", Jagbir armed with "*Gandasa*", Beeru, Rajbir, Bani Singh, Oma, Harpal, Balbir, Satbir, Jagbir, Chhattar, Rattan armed with "*jelli*" and "*lathies*", being members of the unlawful assembly came and raised a "*Lalkara*" by saying that the complainant be taught a lesson for helping Surajbhan. Accordingly, Mohinder gave an axe blow on his finger, whereas accused Anup Singh, Sunil, Bijender, Jaggu, Jagbir, Ranbir trespassed into the house of his brother Brahma. Accused Anup and Sunil gave *Gandasa* blows, whereas Bijender gave a sword blow, on the person of Surender, Jaggu gave *Gandasa* blow on the head, whereas Ranbir gave *Gandasa* blow on the person of Surender. Brahma, Jagbir, Sukhbir, Phoolpati, Ramphal and Bhale Ram also sustained injuries on their person and they could explain about their injuries. They raised a hue and cry, which attracted, Naresh, Om Parkash, Dalbir, Chander Singh towards the place of occurrence and on seeing them, the accused fled away alongwith their



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weapons. While leaving the spot, the accused also threatened to eliminate them on finding of adequate opportunity. Thereafter, all the injured were shifted to general hospital, Sonapat for treatment. On the statement of complainant. Todar Mal, the present case was registered under Sections 148/323/324/452/506 read with section 149 of IPC. Investigation was set into motion. Statements of witnesses were recorded under section 161 Cr. P.C. Site plan of the place of occurrence was got prepared with correct marginal notes. The accused were arrested and later released on bail. After completion of usual formalities of the investigation, challan was presented in the Court.

7. A *prima-facie* case for the offences punishable under sections 148/324/323/452 read with section 149 of IPC was found against the accused persons. Accordingly, they were charge-sheeted, to which they pleaded not guilty and claimed trial.

7. Based on the evidence led, while five co-accused, namely, Mohinder, Ranbir, Suresh, Chhattar Singh and Harpal Singh were released on probation for one year under Section 360 CR.P.C., the petitioners alongwith a co-accused/Jagbir @ Seth came to be convicted and sentenced by the Court of Additional Chief Judicial Magistrate, Sonapat vide judgment of conviction and order of sentence dated 13/16.03.2007 as under:-

Name of the accused/convicts	Offence U/Ss	Sentence RI/SI	Fine	RI/SI default payment of fine	in of
Jaggu @ Jagbir,	452 IPC	RI for 03 years	Rs.2,000/	SI for	06



Balbir, Jagbir @ Seth, Rattan, Bijender, Rajbir, Ranbir @ Beera, Om Parkash @ Oma, Jagbir (son of Dhan Singh) and Sunil			- each	months
	324 IPC	RI for 02 years	Rs.1,000/- - each	SI 03 months
	323 IPC	RI 06 months	Rs.500/- ech	SI 1½ months
	148 IPC	RI 01 year	Rs.500/- each	SI 1½ months

All the sentences were ordered to run concurrently.

8. Except for the co-accused/Jagbir @ Seth son of Rattan Singh, the accused/petitioners preferred two separate appeals bearing No.Crl.Appeal No.20 of 2007 and Crl. Appeal No.21 of 2007 which came to be dismissed by the Court of Additional Sessions Judge, Sonapat vide a common judgment dated 24.08.2010.
9. The aforementioned judgments are under challenge in the present revision petitions.
10. During the pendency of the instant revision petitions, the sentences of the accused/petitioners were suspended vide orders dated 06.10.2010 and 30.11.2010 respectively.
11. The learned counsel as well as the Amicus Curiae for the accused/petitioners in each of the revision petitions while not challenging their convictions submit that the occurrence took place in the year 1996. The conviction was recorded in the year 2007. Their appeal came to be



dismissed on 24.08.2010. The instant revision petitions were filed on 08.09.2010 and 08.10.2010 respectively and the matter has now come up for hearing after 29 years of the occurrence. Therefore, the sentence of the petitioners be reduced to the period already undergone by them.

12. The learned counsel for the State, on the other hand, has filed separate custody certificates dated 10.05.2025 of the accused-petitioners, which are taken on record. He contends that the nature of the allegations levelled against the accused-petitioners does not entitle them to any relief. Therefore, the present petitions are liable to be dismissed.

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

14. The medical evidence is totally in consonance with the ocular account. The witnesses have deposed categorically and consistently as to how and in what manner the occurrence took place. Therefore, the present revision petitions stand dismissed.

15. As regards the imposition of sentence, it may be noted that the occurrence took place in the year 1996, the conviction was recorded on 13/16.03.2007, the appeals was dismissed by the Court of the Additional Sessions Judge, Sonapat on 24.08.2010, the revision petitions were filed on 08.09.2010 and 08.10.2010 respectively and have come up for hearing now after 29 years of the registration of the FIR. Therefore, in the peculiar facts of the case, the sentences of the accused/petitioners are reduced to the period already undergone by them. The details thereof is as under:-



	Name of the accused-petitioner	Period of conviction already undergone
1.	Balbir son of Rattan Singh	01 year and 01 day
2.	Jaggu @ Jagbir son of Rattan Singh	03 months and 16 days
3.	Rajbir son of Bani Singh	01 month and 15 days
4.	Bira @ Ranbir son of Jit Ram	01 month and 15 days
5.	Bijender son of Kanwal Singh	01 month and 15 days
6.	Oma @ Om Parkash son of Mam Chand	01 month and 15 days
7.	Jagbir son of Dhan Singh	01 month and 15 days
8.	Sunil son of Jeet Ram	01 month and 15 days

However, the sentence of fine and the sentence in default of payment of fine shall remain intact.

16. The present revision petitions stand disposed of in the above terms alongwith the pending applications, if any.

17. A photocopy of this order be placed on the files of the connected petitions.

May 13, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No