

CRR-331-2010

2025:PHHC:055124



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(203)

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

CRR-331-2010 (O & M)

Date of Decision:- 29.04.2025

Geta Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

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

Present:- Ms. Garima Dikshit, Advocate as Amicus Curiae
for the petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 16.09.2009 passed by the Additional Sessions Judge, Barnala whereby the appeal filed against the judgment of conviction and order of sentence dated 30.09.2008 passed by the Judicial Magistrate 1st Class, Barnala has been dismissed.

2. The FIR in the present case came to be registered on 13.06.2003. The judgment of conviction was passed on 30.09.2008 by the Judicial Magistrate 1st Class, Barnala. The appeal filed against the order of conviction was dismissed on 16.09.2009 by the Additional Sessions Judge, Barnala. The instant revision petition was filed on 04.02.2010 and has come up for final hearing now i.e. after a period of 22 years from the date of registration of the FIR.

3. The facts in brief of the case of the prosecution are that on



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13.06.2003 a wireless message from the SHO Police Station, Kotwali, Barnala was received to the effect that Ravinder Singh son of Gurdev Singh, resident of Mour Nabha had been admitted at Civil Hospital in an injured condition and an Investigating officer be sent. On the basis of the wireless message, ASI Nahar Singh went to Kotwali Barnala, from where he obtained an opinion of the doctor regarding fitness of the injured to make a statement. The doctor gave an opinion that the injured was unfit to make a statement. The MLR in question revealed 08 injuries which were stated to have been caused with a blunt weapon. The copy of the MLR was taken. Then ASI Nahar Singh again went to Civil Hospital to record the statement of the injured and X-ray reports were taken whereby it was revealed that there were fractures corresponding to injury no.1 and 2. The opinion of the doctor was taken regarding fitness of injured to make statement. The doctor gave an opinion that the injured was fit to make a statement. The statement of Ravinder Singh-complainant was recorded, who in his statement stated that he was working in the Market Committee, Bhadour and he was also taking care of his land. On 12.06.2003 at 9.30 PM, he had gone to his field at Ugoke for providing meal to his labour (Siri) Geta Singh son of Mithu Singh. The accused-Geta Singh told him that he had brought his meal late. The accused has also consumed liquor and started abusing him. He told him that he should not abuse him. However, the accused told him that he would beat him. Then he ran towards the motor room, took out a stick and struck him (complainant) on the right leg above the ankle. Then, he again struck him on the back of the right leg above ankle. He started shouting for help. On hearing his noise, his brother-Jaswinder Singh and his neighbour Labh



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Singh came to the spot, as they were irrigating their field adjoining to his land. Then the accused again struck him on both knees. He fell down. The accused then struck him on the right elbow. He, thereafter, lifted his hand with a view to save himself. The accused struck him on the right hand and then another blow was given on the left hand. Then the accused again gave a blow of the stick on the right shoulder. The accused, thereafter, fled away from the scene of occurrence. The motive for the dispute was that on that morning, he (complainant) had abused the accused with regard to preparation of tea and then in the evening, he (complainant) had brought the meals late. Then after making arrangements, his brother brought him to Civil Hospital, Barnala. After recording the statement and from injuries as sustained and the X-ray report a prima-facie case under section 325,323 of IPC was made out. A *ruqa* was sent to get the case registered. The site was inspected. The site plan was prepared and statements of witnesses were recorded. The accused was arrested. After completion of the investigation, final police report under section 173 of Cr.P.C. was presented before the court.

4. Charges were framed under Sections 325, 323 IPC to which the accused pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution examined Dr. Narsi Ram, Medical Officer, Civil Hospital, Barnala as PW1, Complainant Ravinder Singh as PW2, Jaswinder Singh, eye witness as PW3, ASI Nahar Singh (retired) as PW4 and Dr.Suresh Kumar, Medical Officer, Civil Hospital, Barnala as PW5.

6. The statement of the accused was recorded under Section 313 of



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Cr.P.C., in which all the material evidence adduced and proved against him, was put to him. He denied the same.

7. Based on the evidence led, the accused/petitioner came to be convicted and sentenced by the Court of Judicial Magistrate 1st Class, Barnala vide judgment and order of sentence dated 30.09.2008 as under:-

Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
325 IPC	RI for 02 years	Rs.1000/-	RI for 01 month
323 IPC	RI for 06 months	Rs.500/-	RI 15 days

All the sentences were ordered to run concurrently.

8. The accused/petitioner preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Barnala vide judgment dated 16.09.2009.

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

10. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 07.05.2010.

11. The learned Amicus Curiae for the accused/petitioner contends that the identity of the accused has not been properly established in the absence of any light at the spot. The medical evidence was contrary to the ocular account. The conviction under Section 325 IPC could not have been recorded. He, thus, contends that the impugned judgments were liable to be set aside. In the alternative, he prays that, in case, this Court was to come to the conclusion that the conviction of the accused was to be upheld, then keeping in view that the occurrence was of the year 2003 and the matter had now come up for final hearing after 22 years and the accused/petitioner was first-time offender, he be either granted the benefit of probation or his sentence be reduced to the period already undergone by him.



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12. The learned State counsel, on the other hand, has filed custody certificate dated 28.04.2025 and the same is taken on record. As per the custody certificate, the accused/petitioner has undergone actual sentence of 07 months and 07 days. He contends that the statements of the complainant-Ravinder Singh (PW-2) and eye witness-Jaswinder Singh (PW-3) have established beyond doubt that it was the accused-petitioner who had committed the offence in question. The medical evidence is totally in consonance with the ocular account. The conviction under Section 325 IPC has rightly been recorded. He, thus, contends that the present revision petition was liable to be dismissed.

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

14. The Statement of the complainant-Ravinder Singh (PW-2) regarding who committed the offence and the manner in which it was committed cannot be disbelieved as the accused-petitioner was working as his servant. The statement of the complainant has been supported by that of PW-3 Jaswinder Singh. The evidence of Dr. Narsi Ram/PW-1, Medical Officer on examination of the X-ray report is clear and cogent that there were fractures on the lower part of the right leg. Therefore, the offence under Section 325 IPC stands established.

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

16. As regards the imposition of sentence, it may be noted that the occurrence took place in the year 2003, the conviction was recorded on 30.09.2008, the appeal was dismissed by the Court of the Additional Sessions Judge, Barnala on 16.09.2009, the revision petition was filed on 04.02.2010 and has come up for hearing now after 22 years of the registration of the FIR.



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The petitioner is otherwise a first-time offender as is evident from the custody certificate filed in Court. Therefore, while upholding his conviction, the sentence of the accused/petitioner is modified as under:-

Geta Singh

Offence Section	under	Sentence reduced	Fine imposed/ enhanced	RI/SI in default of payment of fine
325 IPC		07 months and 07 days i.e. the period already undergone by the accused	Rs.15,000/-	RI for 06 months
323 IPC		-Do-	Rs.1500/-	RI for 06 months

All the sentences shall run concurrently. Out of the aforesaid total fine amount (Rs.16,500/-), Rs.15,000/- be paid to the complainant-Ravinder Singh son of Gurdev Singh by way of compensation.

17. The present revision petition stands disposed of in the above terms.

18. The miscellaneous application, if any, stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

29.04.2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No