

CRR-463-2010

2025:PHHC:059565



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(203)

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

**CRR-463-2010 (O & M)
Date of Decision:- 06.05.2025**

Bhola Singh and anr.

.....Petitioners

VERSUS

State of Punjab

.....Respondent

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

Present:- Mr. Abhaysher Singh, Advocate as Amicus Curiae
for the petitioners.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 13.11.2009 passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Mansa whereby the appeal filed against the judgment of conviction and order of sentence dated 15.12.2006 passed by the Judicial Magistrate 1st Class, Mansa has been dismissed.

2. The FIR in the present case came to be registered on 29.06.1999. The judgment of conviction was passed on 15.12.2006 by the Judicial Magistrate 1st Class, Mansa. The separate appeals filed against the order of conviction were dismissed with modification on 13.11.2009 by the Additional Sessions Judge (Adhoc), Fast Track Court, Mansa. The instant revision petition was filed on 15.02.2010 and has come up for final hearing now i.e.



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after a period of 26 years from the date of registration of the FIR.

3. The present FIR bearing No.50 dated 29.06.1999 under Sections 326/324/34 IPC, Police Station Bhikhi was registered against the accused on the statement of Major Singh s/o Hukam Singh, resident of Village Heero Kalan, who got recorded his statement with the police that he was an agriculturist. On 28.06.1999 at around 8.30 P.M. he had gone to purchase some articles from the shop of Inder Arora. When he reached near the pond (Chhappar), Bhola Singh son of Gurchran Singh, Jat armed with a *gandasa* met him. He asked the complainant as to what had he purchased. he complainant told him that he had purchased some grocery items. In the meanwhile, Gamdoor Singh @ Leela s/o Surjit Singh armed with sword and Janti s/o Major Singh armed with a *gandasa*, came there. Bhola Singh gave a blow with a *gandasa*, which fell on the right thigh of the complainant and Gamdoor Singh gave a blow with a sword on the right arm as well as chest of the complainant. Janti gave a *gandasa* blow, which fell on the nose of the complainant. He raised an alarm, which attracted his brother Mukand Singh. When Mukand Singh came there, all the accused alongwith their weapons fled away. The brother of the complainant arranged for a vehicle and admitted him to Civil Hospital Mansa. The reason behind the occurrence was the Surjit Singh s/o Dial Singh had a dispute of some land with Pritam Singh and Randhir Singh and the complainant was on good terms with them and the accused party had a doubt that he was helping them. Therefore, the accused inflicted injuries on his person. After registration of the FIR, the investigation was done. The accused were arrested. The weapons allegedly



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used in the commission of offence were recovered. The statements of the witnesses were recorded. After completion of all other formalities, the challan was prepared and presented to the Court.

4. Finding a prima facie case, the accused were charged sheeted under sections 326/324/34 IPC. They pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined PW-1/Major Singh s/o Hukam Singh, PW-2 Dr.Vijay Kumar, Medical Officer, PW-3 Dr.S.P.Bansal, PW-4 Dr.Asha Kiran, PW-5 Mukand Singh s/o Hukam Singh, PW-6 C-Rachhpal Singh No.513. The statement of the complainant was again recorded after summoning of the remaining accused and he was examined as PW-7. PW C-II Bhola Singh was given up by the prosecution being unnecessary. The remaining evidence of the prosecution was closed by order of the Court.

6. After closure of evidence of the prosecution, the statements of the accused were recorded under Section 313 Cr.P.C. wherein they denied the incriminating material put to them. They pleaded their innocence and alleged that they had been falsely implicated in the case due to party faction. Accused Gamdoor Singh took the defence that he had been falsely implicated in the present case as his father had lodged a case of theft against Major Singh.

7. Based on the evidence led, the accused/petitioners, namely, Bhola Singh and Gurjant Singh alongwith a co-accused/Gamdoor Singh alias Leela came to be convicted and sentenced by the Court of Judicial Magistrate 1st Class, Mansa vide judgment and order of sentence dated 15.12.2006 as under:-



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Name of the convict	Offence U/Ss	Sentence RI/SI	Fine	RI/SI in default of payment of fine
Bhola Singh	324 IPC	RI for 01 year	Rs.500/-	
	326/34 IPC	RI for 1½ years	Rs.500/-	
	326/34 IPC	RI for 1½ years	Rs.500/-	RI for 01 month
Gurjant Singh	326 IPC	RI for 1½ years	Rs.500/-	
	326/34 IPC	RI for 1½ years	Rs.500/-	
	324/34 IPC	RI for 01 year	Rs.500/-	RI for 01 month
Gamdoor Singh	326 IPC	RI for 1½ years	Rs.500/-	
	326/34 IPC	RI for 1½ years	Rs.500/-	
	324/34 IPC	RI for 01 year	Rs.500/-	RI for 01 month

All the sentences were ordered to run concurrently.

8. The accused/petitioners including co-accused/Gamdoor Singh alias Leela preferred two separate appeals (Crl.Appeal No.79 dated 20.12.2006 and Cri. Appeal No.81 dated 20.12.2006) which came to be dismissed by the Court of Additional Sessions Judge (Adhoc), Fast Tract Court, Mansa vide a common judgment dated 13.11.2009 while modifying their respective sentences under Sections 324 and 324/34 IPC from one year to six months for each accused.

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

10. During the pendency of the instant revision petition, the sentences of the accused/petitioners were suspended vide order dated 12.05.2010.

11. The learned Amicus Curiae for the accused/petitioners contends the judgments of conviction are based on conjectures and surmises. The



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witnesses are discrepant in material particulars. The medical evidence is totally in contradiction to the ocular account. He, thus, prays that the present petition be allowed and the accused-petitioners be acquitted of the charges framed against them. In the alternative, he prays that, in case, this Court was to come to the conclusion that the conviction of the accused-petitioners was to be upheld, then keeping in view that the occurrence was of the year 1999, the matter had now come up for final hearing after 26 years and the accused/petitioners were first-time offenders, they be either granted the benefit of probation or their sentences be reduced to the period already undergone by them.

12. The learned State counsel, on the other hand, has filed separate custody certificates dated 05.05.2025 and 01.05.2025 respectively and the same are taken on record. As per the custody certificates, the accused/petitioners have undergone actual sentence of 07 months and 01 day, 06 months and 23 days respectively. He contends that the statements of PW-1/Major Singh (complainant) and PW-5/Mukand Singh are duly substantiated and are totally in consonance with the medical evidence. There is no reasonable for the complainant party to have implicated the accused. He, therefore, contends that the present revision petition is liable to be dismissed.

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

14. A perusal of the evidence of PW-1/Major Singh and eye-witness/PW-5 Mukand Singh would show that the occurrence indeed took place in the manner as suggested by the prosecution. The said evidence is in



consonance with the medical evidence as per which the complainant-Major Singh (PW-1) has received simple as well as grievous injuries. Therefore, the offence stands established beyond doubt.

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 1999, the conviction was recorded on 15.12.2006, the appeal was dismissed by the Court of the Additional Sessions Judge (Adhoc), Fast Track Court, Mansa on 13.11.2009, the revision petition was filed on 15.02.2010 and has come up for hearing now after 26 years of the registration of the FIR. The petitioners are otherwise first-time offenders as is evident from the custody certificates filed in Court. Therefore, while upholding their conviction, the sentences of the accused/petitioners are modified as under:-

Name of the convict	Offence U/Ss	Sentence RI/SI	Fine	RI/SI in default of payment of fine
Bhola Singh	324 IPC	RI 07 months 01 days	--	--
	326/34 IPC	RI 07 months 01 days	--	--
	326/34 IPC	RI 07 months 01 days	Rs.15,000/-	RI for 01 month
Gurjant Singh	326 IPC	RI for 06 months 23 days	--	--
	326/34 IPC	RI for 06 months 23 days	Rs.15,000/-	RI for 01 month
	324/34 IPC	RI for 06 months 23 days	--	--

All the sentences shall run concurrently. Out of the aforesaid total fine amount (Rs.15,000/- each), Rs.10,000/- each be paid to the injured-Major



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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

06.05.2025
sukhpreet

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