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**244 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CRR-3827-2018 (O&M)

Date of Decision: 24.02.2025

HARCHAND SINGH AND OTHERS

...Petitioners

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Punia, Advocate
for the petitioners.

Mr. Nitesh Sharma, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. The present revision petition is preferred against the judgment dated 06.08.2018 passed by learned Additional Sessions Judge, Fatehgarh Sahib whereby, while maintaining the conviction of all the petitioners, passed vide judgment dated 31.10.2015 by learned Judicial Magistrate Ist Class, Amloh, their order on quantum of sentence dated 31.10.2015 has been modified and the accused-petitioners have been released on probation.

2. In brief, the case of the prosecution is that on 08.02.2010 one wireless message was received that Mohinder Kaur wife of Baldev Singh, Parminder Singh son of Baldev Singh residents of Kapoorgarh and Simratpal Singh son of Amritpal Singh resident of village Bhari Police Station Khamano have been admitted to Civil Hospital Amloh due to injuries sustained in a quarrel. On 09.02.2010, information was received regarding admission of injured at PGIMER Chandigarh. Upon this HC Parjinder Singh along with ASI Sarabjit Singh reached PGI Chandigarh and

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statement of Parminder Singh complainant/injured was recorded wherein he stated that on 08.02.2010, his friend Simratpal Singh had come to meet him. At about, 7.30 P.M. they were standing outside their house, then Harchand Singh armed with *Kirpan*, Jaswant Singh armed with iron rod, Baljinder Kaur wife of Harchand Singh armed with stick, Dalbir Singh son of Harchand Singh armed with iron rod, Surjit Singh son of Chet Singh armed with stick came at the spot by raising *lalkaras*. Then Dalbir Singh gave iron rod blow on complainant's left leg which hit in centre of his left leg. Jaswant Singh gave iron rod blow on his left arm. He raised alarm. In the meanwhile, Baljinder Kaur gave stick blow on his left arm. Dalbir Singh gave iron rod blow on the right side of his head. After hearing his alarm, his mother Mohinder Kaur and his friend Simratpal Singh came at the spot for rescuing him. Thereafter, Harchand Singh gave a *Kirpan* blow on the head of his mother. Dalbir Singh gave iron rod blow on right arm of his mother. Jaswant Singh gave iron rod blow on left arm of his mother. Baljinder Kaur gave stick blow on right leg of his mother. Dalbir Singh gave iron rod blow on left leg of his mother. Then his friend raised alarm. Upon this, all accused persons started giving beatings to his friend Simartapal Singh. Surjit Singh gave stick blow on left leg of Simratpal Singh. Balbir Singh gave iron rod blow on left arm of his friend. Jaswant Singh gave iron rod blow on left thigh of his friend. Baljinder Kaur gave stick blow on head of his friend. Then all of them raised alarm. Upon hearing alarm, his father Baldev Singh and other villagers came there. Then all the accused persons fled away from the spot after giving threats to them.

Then his father Baldev Singh and other persons took them to civil hospital

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Amloh from where they were referred to PGI Chandigarh. On the basis of aforesaid allegations, FIR in the present case was registered.

3. Learned Judicial Magistrate Ist Class, Amloh vide judgment of conviction dated 31.10.2015 convicted the petitioners along with Jaswant Singh and Baljinder Kaur, under Sections 323, 148 read with Section 149 of Indian Penal Code and vide order on quantum of sentence dated 31.10.2015, Jaswant Singh and Baljinder Kaur were released on probation for a period of one year and the petitioners were sentenced to undergo rigorous imprisonment for three months along with fine of Rs. 1,000/- each. However, learned Additional Sessions Judge, Fatehgarh Sahib vide judgment dated 06.08.2018, upheld the conviction of the petitioners, whereas released them on probation for a period of one year. Being aggrieved with the same, the petitioners preferred present revision petition.

4. Learned counsel for the petitioners contends that learned Court below have erred in convicting the petitioners under Section 323, 148 read with Section 149 of Indian Penal Code as the prosecution has miserably failed to prove the guilt of the petitioners beyond any reasonable doubt as there are major contradictions in the statements of all the PWs and the petitioners could not be convicted on the testimonies of said witnesses. Thus, the petitioners have been falsely implicated in the present case and they have got no concern or connection with the commission of any such offence.

5. Per contra, learned State counsel supports the impugned judgments and submits that petitioners along with other accused persons

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were rightly convicted by learned trial Court as the complicity of the petitioners stand duly proved in the alleged occurrence.

6. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that testimony of complainant Parminder Singh, who was examined as PW-1, clearly indicate that there is direct attribution of offence against the petitioners as the complainant has categorically named the accused and their role played in causing injuries to him by blunt weapons. Moreover, statements of eye witness-Mohinder Kaur, who was examined as PW-2, was also found corroborative to the statement recorded by complainant. The ocular version further remained corroborative by the medical evidence on the basis of testimony of PW-5-Dr. Sukhwinder Goyal, Medical Officer, Civil Hospital, Amloh, who has, not only narrated the nature, size and description of injuries on the person of Mohinder Kaur but at the same time also described the detailed injuries having been inflicted upon the person of Simratpal Singh and Parminder Singh. All the injuries are specific with specific attribution though were blunt in nature. PW-6 Dr. Vijay Goni further proved the injuries inflicted upon the person of Simratpal Singh, Parminder Singh and Mohinder Kaur. Thus, complicity of the petitioners is duly proved in the said occurrence.

7. In view of the facts and circumstances of the case, this Court finds that learned counsel for the petitioners has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants interference by this Court. As such, there is no merit in the present revision petition and hence, the same is hereby dismissed.

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

24.02.2025

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No