

**CRR-2037-2008****-1-****(203)****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRR-2037-2008****Date of Decision:- 24.04.2025****SURJA @ SURAJ BHAN & OTHERS****.....Petitioners****VERSUS****STATE OF HARYANA****.....Respondent****CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Vinay Phogat, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The present revision petition has been filed impugning the judgment dated 25.09.2008 passed by the Addl. Sessions Judge, Panipat whereby the appeal filed against the judgment of conviction and order of sentence dated 13.07.2007 passed by the Judicial Magistrate, 1st Class, Panipat has been dismissed.

2. The FIR in the present case came to be registered on 24.12.2001. The judgment of conviction was passed on 13.07.2007 by the Judicial Magistrate, 1st Class, Panipat. The appeal filed against the order of conviction was dismissed on 25.09.2007 by the Addl. Sessions Judge, Panipat. The instant revision petition was filed on 30.09.2008 and has come up for final hearing now i.e. after a period of more than 23 years from the date of registration of the FIR.

3. The brief facts of the prosecution case are that on 28.02.2001 ASI Sultan Singh along with other police officials was present at Bus Stand,

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Singhpura where intimation was received regarding a fight upon which he reached Govt. Hospital, Panipat where the rukka of injured Rattan Singh was received. After seeking the opinion of the doctor the statement of Rattan Singh was recorded who stated that he was labourer and on the said day in their locality a dispute had arisen between Surja s/o Mai Lal and Rijku over a hen. He tried to get the matter settled. However, for the said reason, the family of Bansi was having a grudge against him. At 08.00 p.m. on 28.02.2001, he was standing in front of his house. His cousin brother Rajesh son of Suraj Bhan was talking to his son Rajiv. In the meanwhile, Kalu son of Bansi armed with a Gandasi, Rajesh son of Bansi and Surja son of Mai Lal armed with an iron-rod came together and Kalu gave a Lalkara that they would teach him a lesson upon which Kalu gave a Gandasi blow, Rajesh gave a lathi blow and Surja gave an iron-rod blow over his head. When he fell down, they all caused injuries to him on his head and shoulder, chest, back and left foot, upon which Rajiv and Rajesh S/o Suraj Bhan tried to rescue him but they were also caused injuries. When an alarm was raised the accused persons escaped. He was admitted in an injured condition to Govt. Hospital, Panipat. On this statement, the FIR was registered. Investigation was set into motion. During investigation, weapons of offence were recovered and the accused were arrested. Upon receipt of medical opinion regarding grievous injuries offence under Section 326 of the Indian Penal Code was added. After completion of investigation, the challan was present in the Court.

4. On presentation of the challan charges were framed and on culmination of the Trial, the accused/petitioners came to be convicted and sentenced by the Court of Judicial Magistrate, 1st Class, Panipat vide judgment and order of sentence dated 13/14.07.2007 as under:-



Offence under Section	Sentence RI/SI	Fine	RI/SI in default of payment of fine
323 R/w Section 34 IPC	RI for 03 months	--	--
324 R/w Section 34 IPC	RI for 06 months	--	--
326 R/w Section 34 IPC	RI for 18 months	Rs.200/- each	SI for 03 days

All the sentences were ordered to run concurrently.

5. The accused/petitioners preferred an appeal which came to be dismissed by the Court of Addl. Sessions Judge, Panipat vide judgment dated 25.09.2008.
6. The aforementioned judgments are under challenge in the present revision petition.
7. During the pendency of the instant revision petition, the sentence of the accused/petitioners were suspended vide order dated 20.10.2008.
8. The learned counsel for the accused/petitioners at the very outset submits that he does not wish to challenge their conviction but keeping in view the fact that the occurrence had taken place in the year 2001 and the accused/petitioners were first-time offenders, they be either granted the benefit of probation or their sentence be reduced to the period already undergone by them.
9. On the other hand, the learned State counsel has filed custody certificates dated 21.04.2025 and the same are taken on record. As per the custody certificates, the accused/petitioners have undergone sentences of 02 months and 15 days, 02 months and 14 days and 03 months respectively. He contends that the nature of the allegations levelled against the accused/petitioners do not entitle them to the concession as prayed for. Therefore, the present petition was liable to be dismissed.



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10. I have heard the learned counsel for the parties.
11. A perusal of the record would reveal that the medical evidence is totally in consonance with the ocular account. The witnesses have deposed consistently and categorically as to the manner in which the occurrence took place. Therefore, no fault can be found with the impugned judgments. Hence, the present revision stands dismissed.
12. As regards the imposition of sentence, it may be noted that the occurrence took place in the year 2001, the conviction was recorded on 13/14.07.2007, the appeal was dismissed by the Court of Addl. Sessions Judge, Panipat on 25.09.2008, the revision petition was filed on 30.09.2008 and has come up for hearing now after 23 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 sentence of the accused/petitioners is modified as under:-

Surja @ Suraj Bhan

Offence under Section	Sentence reduced	Fine imposed/enhanced	RI/SI in default of payment of fine
323 R/w Section 34 IPC	02 months and 15 days i.e. the period already undergone by the accused	--	--
324 R/w Section 34 IPC	-Do-	--	--
326 R/w Section 34 IPC	-Do-	Rs.15000/-	SI for 06 months

Rajesh

Offence under Section	Sentence reduced	Fine imposed/enhanced	RI/SI in default of payment of fine
323 R/w Section 34 IPC	02 months and 14 days i.e. the period already	--	--



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	undergone by the accused		
324 R/w Section 34 IPC	-Do-	--	--
326 R/w Section 34 IPC	-Do-	Rs.15000/-	SI for 06 months

Kalu @ Mohender

Offence under Section	Sentence reduced	Fine imposed/enhanced	RI/SI in default of payment of fine
323 R/w Section 34 IPC	03 months i.e. the period already undergone by the accused	--	--
324 R/w Section 34 IPC	-Do-	--	--
326 R/w Section 34 IPC	-Do-	Rs.15000/-	SI for 06 months

All the sentences shall run concurrently. Out of the aforesaid fine amount, Rs.10,000/- each be paid to the injured Rattan Singh (complainant), Rajiv S/o Rattan Singh and Rajesh S/o Suraj Mal.

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

(JASJIT SINGH BEDI)
JUDGE

24.04.2025
Jitesh

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