

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1253-SB-2008 (O&M)
Date of Decision:23.03.2026

Isham Singh and others ...appellants
vs.
State of Haryana ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
for the appellants.

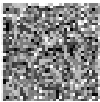
Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

Mr. D.S.Randhawa, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The appellants have filed the present appeal against the impugned judgment of conviction dated 04.07.2008 and order of sentence dated 05.07.2008, passed by the Court of Additional Sessions Judge, Karnal, whereby the appellants were convicted for commission of the offences punishable under Sections 148,307/149, 325/149, 324/149, 323/149 of IPC and were sentenced as under:-

Under Section 148 of IPC	To undergo rigorous imprisonment for a period of one year
Under Section 307/149 of IPC	To undergo rigorous imprisonment for a period of 05 years and to pay a fine of Rs.500/- each.
Under Section 325/149 of IPC	To undergo rigorous imprisonment for a period of 03 years and to pay a fine of Rs.200/- each.
Under Section 324/149 of IPC	To undergo rigorous imprisonment for a period of 01 year.
Under Section 323/149	To undergo rigorous imprisonment for a period of

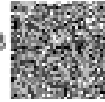


of IPC	six months.
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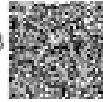
All the substantive sentences shall run concurrently.

2. Initially, the appeal was filed by 21 appellants before this Court. However, during the pendency of the present appeal, 09 appellants, namely, Satpal son of Budh Ram, appellant No.2, Phulla son of Gunga, appellant No.3, Isham son of Baru Ram, appellant No.5, Kreshan son of Panthi, appellant No.6, Mange Ram son of Ram Chan, appellant No. 9, Nawab son of Devi Singh, appellant No.11, Ratna son of Janara, appellant No.13, Vinod son of Jawant, appellant No.15, Jai Pal son of Gopa, appellant No.16 have expired and the appeal qua them stands abated.

3. The FIR in the present case was registered on the basis of the statement made by Pritam Singh, who stated that he was resident of village Kohand and was an agriculturist by profession. Eight years ago, they had exchanged their 4-1/2 land with the land of Devi Singh, measuring 6-1/2 acres. Since land of Devi Singh was more, he was given Rs. 85,000/- in addition. Since that time, both the parties were in possession of the exchanged land and girdawri, mutation and decrees etc. were also obtained. About one year back, a road was carved out from Kohand to Gangbarh and some of the land which they got in exchange was acquired for the road. Devi Singh etc. took the compensation of the acquired land. When they demanded the money, Devi Singh refused to make payment and asserted his right over the amount. Thereafter, Devi Singh etc. challenged the decree of exchange in Court and the case ended in favour of Devi Singh etc. about 8/9 days ago. His father had gone to Karnal to file an appeal against the judgment. After acquiring the land in exchange, they had reclaimed it, made it cultivable and had also obtained

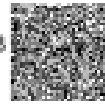


tubewell connection in the name of Sube Singh. The girdwari was entered in the name of his father and mutation was also in his favour. He further stated that at about 8.30 a.m., Devi Singh etc. in prosecution of their common object, in order to illegally take possession of their land in which they had cultivated Jawar, Gwar and Arhar came on Ford tractor bearing No. HR-01722 driven by Ishma son of Devi Singh, Eicher tractor bearing No. HR-05B/8741 driven by Braham son of Pala, Eicher tractor bearing No. HR-08/8946 driven by Shoki son of Janeshar. They started ploughing the land. As soon as they received information, he and his brother Balbir, Braham, Main Pal sons of Hukam Singh, Budh Ram son of Dharam Singh and Suresh son of Budh Ram went to the fields. Pala son of Dhuman, Vinod son of Jaswant, Chaina son of Budhu, Satpal son of Budhu armed with gandasis, Manga son of Ram Chander, Kreshan son of Panthi, Ishma son of Baru armed with lathis arrived and started giving blows to Balbir Singh. Isham son of Krishan armed with gandasi, Manga son of Bhula armed with lathi came out of Arhar field and started giving beating to Suresh. Ajab son of Megh Ram, Ratna son of Janara, Billu son of Pawan, Billu son of Krishan, Suresh son of Devi Singh armed with gandasi. Sher Singh son of Chetan armed with lathi also came out of Arhar field and started giving beating to Main Pal. Setha son of Rameshar, Jai Pal son of Gonda and Nawab son of Devi Singh armed with gandasi came out of Jawar field and started giving beating to Braham. Rajesh son of Devi Singh, Pappu son of Krishan armed with Lathis and gandasis came out of Arhar field and started giving beating to Budh Ram. Phulla son of Gunga and Desh Pal son of Jai Singh armed with lathis also came there. Phulla gave a lathi blow on his right side and Deshpal gave lathi blow on his back. In the meanwhile, the persons, who were driving the tractors



stopped their tractors and proclaimed that they should be done to death. Those three persons started their tractors. Ishma drove the tractor over Main Pal crushing his left leg. Shoki drove the tractor over right leg of Balbir. Braham drove his tractor over the back of Braham son of Hukma. Ishwar son of Jag Ram, Budh Ram son of Nanha who were passing from that side witnessed the incident. On hearing cries, several persons from the village ran towards the spot. Besides other persons, Oma son of Chetan, Giani son of Jangira, Rishiya son of Kanthi, Pawan son of Phula, Kalma son of Gopa, Nakli son of Teka, Manga son of Bija, Sushil son of Budhu, Prem and Ram Kumar sons of Sadhu, Janesar son of Kanthi, Ishma son of Krishan, Balishter son of Krishan, Mahender and Ashok sons of Janeshar, Sanjay son of Nakli, Jander son of Sabil, all residents of Kohand armed with gandasis and lathis reached. Four Sikhs on two horses armed with guns also reached to take forcible possession. On seeing several men and women coming from the village, all the accused along with their respective weapons fled away towards the fields leaving the tractors at the spot. Subhash, Sarpanch also came from the side of the village on his jeep. He removed the injured to the hospital at Gharaunda on his jeep. Accused persons had come with the common object to take forcible possession and cause injuries. They had attempted to kill them by crushing them under the tractors. It was requested that legal action be taken. On this complaint and medico legal reports, ruqa was sent for registration of the case under Sections 307/324/323/447/148/149 of the Indian Penal Code.

4. After completion of investigation, challan was presented before the Area Magistrate, the case was committed to the Court of Sessions as all the offences were triable by the Court of Sessions.



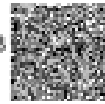
5. The trial Court found a *prima facie* case under Sections 148, 307/149, 325/149, 324/149, 323/149 of IPC against the appellants/accused and they were ordered to be charge-sheeted accordingly. However, they pleaded not guilty and claimed trial.

6. During the course of trial, the prosecution examined 21 witnesses, namely, PW1 Suresh, PW2 Dr. H.O. Bhatia, PW3 Bhagwan Chand SI, PW4 Dr. Gauri Shankar Arora, PW5 Rakesh Kumar, PW6 Vijender Singh ASI, PW7 Krishar Kumar, PW8 Budh Ram, PW9 ASI Asha Ram, PW10 Balbir, PW11 Randhir, PW12 Om Parkash Bhardwaj, PW13 Dr. M.K.Goel Assistant Director FSL Madhuban, PW14 Ishwar Singh, PW15 Mahesh Parshad, PW16 Pritam Singh, PW17 Brij Bushan Civil Ahlmad, PW18 Surender Kumar Inspector, PW19 SI Gurdeep Singh, PW20 HC Naresh Chander, PW21 Mohinder Singh Patwari and closed its evidence. Even various documents were also exhibited before the trial Court by the aforesaid witnesses.

7. After closure of the prosecution evidence, the entire incriminating evidence was put to the appellants in the shape of their statements under Section 313 Cr.P.C. However, they denied each and every allegations against them and opted to lead defence evidence.

8. In their defence, the appellants/accused examined Dr. Raj Mohan Singh as DW1, Dr. Ashok Kumar, District Malaria Office as DW-2, Dr. G.S. Arora as DW-3 and thereafter, closed the defence evidence.

9. At the very outset, learned counsel for the appellants submits that he does not wish to challenge the judgment of conviction passed against the appellants by the Appellate Court, however, some leniency may be shown, while awarding the sentence on them. Even though, learned counsel for the



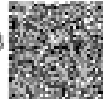
appellants has not challenged the judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

10 Learned State counsel contended that the appellants do not deserve any concession regarding sentence and the present revision petition be dismissed.

11. I have heard learned counsel for the parties and perused the record carefully.

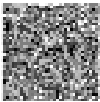
12. In the present case, it is apparent from the statements of PW1 Suresh, PW-8 Buda Ram, PW10 Balbir, PW-14 Ishwar Singh and PW-16 Pritam Singh that these witnesses have named and attributed specific injuries to the appellants in the present case. All the prosecution witnesses categorically stated that the appellants had formed an unlawful assembly and had opened the assault with deadly weapons like *gandasis*, *lathis* and gun etc. Even the injuries were caused to Braham Pal, Main Pal and Balbir with an intention to cause their murder, by driving their tractors over them. Even grievous hurt was caused to Main Pal by inflicting such injuries, which led to fracture of left radius in its lower third and fracture of left fibula in its middle, as per the report of Dr. G.S.Arora (Ex.PC). Apart from that, simple hurt was also caused to Budh Ram, Braham Pal and Balbir, by means of sharp edged weapons and simple hurt to Suresh, Budh Ram, Braham Pal, Main Pal, Balbir and Pritam Singh with their blunt weapons. Apart from that, the testimonies of injured and eye-witnesses were duly supported by the medical evidence.

13. To prove the injuries, the prosecution examined PW-2 Dr. H.O. Bhatia, PW-4 Dr. Gauri Shankar Arora, who proved on record the medical



evidence in the present case. PW-12 Om Parkash Bhardwaj, PW-15 Mahesh Parshad had proved the investigation in the present case. Even, the prosecution had led sufficient evidence on record to show that the appellants had committed the offences punishable under Sections 148,307/149, 325/149, 324/149, 323/149 of IPC and the impugned judgment of conviction is liable to be upheld by this Court.

14. Now adverting to the order on quantum of sentence, it is apparent that the appellants, who are alive, namely, Isham Singh, appellant No.1, Desh Pal, appellant No.7, Suresh, appellant No.10, Mange Ram, appellant No.14, Shera, appellant No.17, Setha, appellant No.18, Rajesh, appellant No.19, Pappu, appellant No.20 have undergone 04 months and 18 days of actual sentence, whereas, Isham son of Devi Singh has undergone 08 months and 18 days of actual custody and Billu, appellant No.12 and Billu alias Sushil son of Pawan, appellant No.21 have undergone 03 months and 04 days of actual custody, out of total sentence of 05 years. Now during the pendency of the present appeal, the parties have entered into a compromise and have amicably resolved all their disputes. Apart from that, this Court is also conscious of the fact that the appellants, who are alive, are facing the agony of trial/appeal/revision since 08.09.1994 i.e. for the last more than 32 years and no purpose will be served by sending them behind bars. Thus, keeping in view the mitigating circumstances, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the appellants. Thus, the sentence imposed on the appellants is reduced to the period already undergone by them. However, the amount of fine imposed on them shall remain same.



15. With the above modifications, the present appeal is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the appellants is reduced to the period already undergone by them and the amount of fine imposed on them shall remain same.

16. Pending applications, if any, stand also disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

23.03.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No