



104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-D-887-DB-2004(O&M)
Reserved on: 18.02.2026
Pronounced on: 16.04.2026.

Jeet Ram and others ...Appellants
vs.
State of Haryana ...Respondent

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

Present : Ms. Sumanjit Kaur, Advocate
for the appellants.

Mr. Parmod Kumar, AAG, Haryana.

Appeal against appellants No.1 and 6
already stands abated.

N.S.Shekhawat J.

1. The appellants have filed the present appeal against the impugned judgment of conviction dated 14.09.2004 and order of sentence dated 18.09.2004 passed by the Court of Additional Sessions Judge, Ambala, whereby, the appellants were convicted for commission of the offences punishable under Sections 148, 302/149, 325/149, 323/149 and 450 of IPC and were sentenced as under:-

Under Section	Imprisonment
148 of IPC	To undergo rigorous imprisonment for a period of one year
302/149 of IPC	To undergo rigorous imprisonment for life and to pay a fine of Rs.5000/-

	each. In default payment of fine, they shall further undergo rigorous imprisonment for three months.
325 of IPC (Sunil Kumar, accused)	Accused Sunil is ordered to undergo rigorous imprisonment for three years and to pay a fine of Rs. 1000/-. In default of payment of fine, he shall further undergo rigorous imprisonment for one month.
325/149 of IPC	The accused, namely Raghbir, Jeet Ram, Kiran Pal, Gurmukh Singh and Som Nath are ordered to undergo rigorous imprisonment for three years and to pay a fine of Rs. 1000/- each. In default payment of fine, they shall further undergo rigorous imprisonment of one month.
323/149	To undergo rigorous imprisonment for six months.
450 IPC	To undergo rigorous imprisonment for five years and to pay a fine of Rs.1000/- each. In default of payment of fine, they shall further undergo rigorous imprisonment for one month.

2. During the pendency of the present appeal, appellant No.1, namely, Jeet Ram and appellant No.6, namely, Som Nath had expired. Consequently, the appeal qua appellants No. 1 and 6 already stood abated. However, the submissions have been made before this Court on behalf of appellants No. 2 to 5 by learned counsel for the appellants.
3. The FIR (Ex.PQ/2) in the present case was registered on the basis of the statement (Ex.PQ) made by Jarnail Singh son of Sadhu Ram and the same has been reproduced below:-

“It is stated that I am resident of Halderi, P.S. Barara and do the work of a labour. My sister Roshni Devi is a widow and residing in our village. The house of Roshni Devi adjoins the house

of Ram Chander S/o Amar Nath Harijan. Ram Chander used to tether his buffalow near the house of my sister. My nephew Ranbir had asked to Ram Chander etc. to tether his buffalow a lightly back-ward. They had altercation on this matter. Due to this reason, the family of Ram Chander was having grudge against us. There was fare on account of Holi Phag festival. Yesterday on 2.3.99 during the day, Mohinder s/o Kartara Ram Harijan, resident of deh and his family members opened attack at our house. At that time, they were separated with folded hands. At night at about 8/ 8 ½ o' Clock, I was taking out earth from my house. In the meantime, Mohinder s/o Kartara Ran carrying knife in his hand, Sunil S/o Mohinder Singh having Dangra in his hand, Kiran Pal s/o Mohinder Singh having spear in his hand. Jit s/o Sardha Ram having Sariya in his hand. Bagri s/o Jit Ram having Sariya in his hand. Bheera s/o Jit Ran having Sariya in his hand, Soma s/o Jit Ram having Lathi in his hand, Jarnial s/o Arjun Singh having lathi in his hand. Ram Chander s/o Amar Nath having lathi in his hand, Sat Pal s/o Amar Nath having lathi in his hand and Kuldip s/o Kartata Ram having Gandasi in his hand came collectively to our house and after entering my house, opened attack. Mohinder Singh gave a blow with his knife on the chest of my brother Krishan Chand. Sunil gave a blow with his Dangra on the nose of my brother Krishan Chand and Kiran Pal gave a blow on the forehead of Krishan Chand with his spear. Jit s/o Sardha Ram gave a blow on the head and hand of my niece Gejo Devi with his Sariya. Bagri gave a blow on the head of my son Ram Kumar with his Sariya. Beera gave a blow on the head of my son Ram Kumar with his Sariya (Iron rod). Soma gave a blow on the head of my son Ram Kumar with his lathi. My son Ram Kumar became unconscious and fell down. I fell on my son with intention to save him. Jarnail Singh, Kuldip, Satpal and Ram Chander caused injuries to my son Ram Kumar with their respective weapons and I also sustained simple Injures. Thereafter, Tej Pal s/o Kartara Ram,

Harijan, Darshan s/o Nanha Ram Dhiman, Jarnail s/o Gulzar Singh Harijan r/o Deh and besides them several men & women assembled on the spot. All the aforesaid assailants, after causing injuries to us and after making my son Ram Kumar unconscious, left the spot carrying their respective weapons and raising Lalkaras. They have caused injuries to my son Ram Kumar. My brother Krishan Chand and my niece Gejo Devi without any cause & fault. Legal action be taken against them. LTI Jamall Singh Attested Sd/-HC. PS Barara dt 3.3.99.

Action taken by the police (Ex.PQ/1)

As per D.D. No. 23 dated 2.3.99 at night a telephonic call was received in P.S. Barara from P.S. Baldev Nagar that Ram Kumar s/o Jarnail Singh r/o Halderi has been admitted in Govt. Hospital, Ambala City on account of sustaining injuries during quarrel-fight. IO be sent for taking action. on this, today, I, HC alongwith C.Balwant Singh No.514 reached G.H. Ambala for obtaining statement, where I sought the opinion of the doctor through written application and the doctor has written that Ram Kumar, injured has been referred to PGI, Chandigarh. Thereafter, I HC alongwith Constable after obtaining Ruqua CR No. 195655 from PP, PGI, Chandigarh reached PGI Chandigarh for obtaining statement. A separate application for obtaining opinion has been submitted to the doctor. The doctor opined in writing that the injured is unfit to make statement. Jarnail Singh s/o Sadhu Ram has been found present near the injured, who got recorded his above statement to me which has been reduced into writing and read-over to him and he after admitting it to be correct put his LTI beneath his statement. I attest it. In MLR No. SJ /14/99 at 2.3.99 of Ram Kumar one injury to have been caused on his head, has been mentioned. Injury has been kept under observation and it is written that opinion is to be given after x-ray. From the above statement & MLR a case punishable u/s 148, 149, 452, 323 IPC is made out. Therefore, this writing is being sent to the police station

through C. Balwant Singh No. No.514 for registration of a case. After registration of the case, its number be informed. I HC am busy in the investigation from PGI, Chandigarh.

*Sd/- Kulwant Singh, HC
P.S.Barara
dt 3.3.99 at 5-15 PM.”*

4. After the registration of the FIR under Sections 148, 149, 323, 452 of IPC, HC Kulwant Singh reached the place of occurrence and prepared rough site plan. He collected MLRs of Krishan Lal and Gejo Devi. Thereafter, HC Kulwant Singh visited PGI, Chandigarh to know the fitness of Ram Kumar to make statement, but he was still declared unfit to make statement. In the meantime, the Investigating Officer recorded the statements of Gejo Devi, Krishan Lal, and Tej Pal. On 10.03.1999, a ruqa was received regarding the death of Ram Kumar in PGI, Chandigarh and the offence under Section 302 of IPC was added and the investigation was handed over to Surjit Kumar, Sub-Inspector. The postmortem examination was conducted by Dr. Aditya Kumar Sharma on the dead body of Ram Kumar. Thereafter, the accused were arrested in the present case and the weapons of offence were recovered from them.

5. After conducting the necessary investigation, the challan under Section 173 Cr.P.C. was prepared by SI Hari Kailash, Station House Officer, Police Station, Barara and was presented before the Area Magistrate.

6. After the case was committed to the Court of Sessions, the trial Court found a *prime facie* case under Sections 148, 460, 302/149, 325/149, 323 /149 and the appellants were ordered to be chargesheeted, accordingly. However, they pleaded not guilty and claimed trial.

7. In order to prove the case of the prosecution, 14 witnesses were examined in all. The prosecution examined PW-1, Dr. S.S. Punia, who conducted the x-ray examination of Krishan Lal and found fracture of terminal phalanx of left thumb, vide report (Ex.PA). He also examined Gejo Devi and found no fracture of skull bone. The prosecution further examined Dr. Sunanda Jindal, who had examined Ram Kumar on 02.03.1999 and found the following injuries on his person:-

“Patient was unconscious. Pulse was 64 per minute regular, B.P. was 130/80 mmhg. Pupils were semi dilated and fixed.

1. 3” x ½” curved lacerated wound over the scalp in the midline extending to the left obliquely anteriorly midway between anterior hair line and vertex. X-ray and surgeon opinion was advised. Area of the scalp around the wound already shaved before coming to casualty. Underlying bone exposed, type of injury caused by blunt weapon. Ex.PC was a carbon copy of the MLR, which bears her signatures. Ex.PD was a ruqa sent by her intimating the police regarding the arrival of the injured Ram Kumar.

8. On 03.03.1999, while posted in casualty, she examined Krishan Lal S/o Sadhu Ram, 45 years, male r/o Haldari Police Station Barara and found the following injuries on his person:-

“Patient was conscious. Well oriented time, place and person. Pulse 82 per minutes regular. BP 110/80 mmhg. Pupils normal size, normal reacting bilaterally symmetrical:

1. 1” x 1/8” linear horizontal lacerated wound over the right side forehead. In line with lateral end of right eyebrow just anterior to hair line. X-Ray and surgeon opinion advised.

2. *An area of abrasion 3" x ½" over the left of midline of the front of chest starting at the level of second rib extending downwards.*

3. *Swelling over distal knuckle of left thumb. Advised X-Ray and Orthopaedic opinion.*

4 *Area of contusion 4" x 1" oblique over the radial aspect of right elbow extending upwards and downwards.*

Advised X-Ray. Probable duration of injuries was within 12 hours.

Ex.PE was a carbon copy of my original MLR, which was brought in the Court room, which was prepared by her and bore her signatures.

9. On the same day, she examined Gejo Devi d/o Bula Ram, 20 years female r/o Haldari Police Station, Barara and found the following injuries on her person:

"Patient was conscious. Well oriented time, place and person. Pulse 82 per minute regular. BP 110/80 mmhg. Pupils normal size, normal reacting bilaterally symmetrical.

1. *1" lacerated wound over the right parietal region. 1" to the right of the midline. Clotted blood in and around the wound. X-Ray and surgeon's opinion was advised.*

2. *Complaining of pain below right knee. Movements normal. No sign of injury, swelling or redness. Advised Ortho opinion.*

3. *Complaining of pain upper abdomen. No mark of injury. Advised Surgeon's opinion.*

Probable duration of injuries was within twelve hour and were caused by blunt weapon. Ex.PF was the carbon copy of the original MLR, which has been brought today by me in the court and which bears my signatures."

She also gave opinion with regard to possibility of causing injuries

by the weapons, which were recovered from the accused in the present case.

10. The prosecution examined PW3, Constable Manohar Lal, who had prepared the scale site plan (Ex.PL) with correct marginal notes. PW4, Janak Singh, ASI, produced the Ruqa (Ex.PD) and the DDR (Ex.PM). The prosecution further examined Dr. Ram Kumar, Senior Resident, Neurosurgery, PGI Chandigarh, who had treated the Ram Kumar. As per him, there was history of loss of consciousness since 02.03.1999. He was unconscious at the time of his examination. C.T. scan of the patient was done and it showed thin acute sub dural haeme toma. Patient was managed conservatively with de-congestant. Patient had cardio respiratory arrest at 1.45 p.m. on 03.03.1999. Cardio pulmonary resuscitation was given and the patient was declared dead at 2.15 p.m. on 10.03.1999. Probable cause of death was acute sub dural haemo toma with right occipital infarct following head injury. Ex.PN was a death summary of Ram Kumar, deceased which was prepared by him. On police request (Ex. PO), he opined patient Ram Kumar to be unfit to make a statement. His opinion was Ex.PO./1. He had brought the original treatment record relating to Ram Kumar, deceased. The testimony of PW-6 Constable Chaman Singh was formal in nature. The prosecution examined PW-7 Jarnail Singh, complainant, who reiterated his version, as mentioned in the FIR in the present case. His testimony was duly supported by the statement of PW-8, Krishan Lal, injured. He also deposed on similar lines. The prosecution further examined PW-9, Gejo Devi, who was also an injured witness in the present case and she had also supported the testimonies of PW-7, Jarnail Singh and PW-8, Krishan Lal. Kulwant Singh, ASI appeared as PW-10, who had investigating the case at the initial stage. As per doctor's opinion, Ram Kumar was not fit to make the statement. Ultimately, Jarnail Singh, father of Ram Kumar met him in PGI,

Chandigarh and he recorded his statement (Ex.PQ) on the basis of which FIR (Ex.PQ/2) was registered by Surjit Kumar, SI. Thereafter, he reached the spot and recorded the statements of witnesses and also made recoveries. The prosecution examined PW-11, HC Tikka Singh, who was posted in police post, PGI, Chandigarh on 03.03.1999. He received the intimation (Ex.PV) regarding the admission of Ram Kumar in PGI, Chandigarh. PW-12, Jeewan Kumar, Clerk produced the postmortem report relating to Ram Kumar and he could identify it and he had brought the treatment record of Ram Kumar. The prosecution further examined PW-13, Surjit Kumar, Inspector, who was working as SI/SHO, Police Station Barara on the date of occurrence. He had also conducted the investigation in the present case and also made recoveries from various accused. Dr. Aditya Kumar Sharma was examined as PW-14, who had conducted autopsy on the dead body of Ram Kumar, deceased on 11.03.1999. On examination, he observed the following injuries:-

“1. The length of the body was 171 cm and the weight was 46.5 Kg. Both right and left pupils were dilated and both right and left cornea were hazy. The deceased was moderately nourished. The postmortem lividity was present over the neck, back of thorax and lumber region of the abdomen. The rigor mortis was present all over the body. The orifices were normal.

2. Bed sores were present over the posterior aspect of right and left elbow and sacral region.

Following injuries were observed:-

1. Oblique stitched lacerated wound of size 3.6 x 0.7x 1.5 cm present across the midline over the bi-frontal region of the scalp. The wound was directed obliquely backward and laterally towards the left side. The anterior end of the wound was present 9 cm

above the inner end of left eye brow and posterior end of the wound was present 11.3 cm above the inner end of right eye brow.

2. Extensive sub aponeurotic haematoma was present over the bi-frontal region of the scalp, further extending into the bi-parietal region of the scalp.

3. Linear vertical fracture 6cm long was present in the left parieto-temporal region of the skull extending downward from the left sided coronal suture.

4. Linear vertical fracture 8cm long was present in the right parieto temporal region of the skull extending down-ward from the right sided coronal suture.

5. Extensive sub dural haematoma was present in the left cerebral hemisphere of the brain.

6. Laceration of size 4 x 3 x 1 cm was present in the supero-lateral surface of left temporal lobe of the brain. Brain oedematous, tonsils grooved.

Right and left lungs were congested except for patchy consolidation of lower lobes of right lung. The heart, kidneys and suprarenals were congested. Rest normal. The stomach contained 100 CC of dark colour fluid. The small intestine contained small amount of fluid and gases. The large intestine contained small amount of fecal matter and gases. The bladder was empty.

In his opinion, the cause of death in this case was brain oedema due to fracture of skull, sub dural haematoma and laceration of brain following head injury. All the injuries were described are ante mortem in nature and caused by blunt trauma. The probable time that lapsed between injury and death was about 7 to 8 days and the time between death and postmortem examination was 21 hours.”

11. After the closure of the prosecution evidence, the entire incriminating evidence was put to the accused in the present case, however,

they pleaded their false implication and stated that they were involved by manipulating the evidence in the present case. In their defence, the appellants did not produce any evidence.

12. Learned counsel for the appellants has vehemently argued that in the present case, the version of the prosecution about the genesis of the occurrence was not trustworthy. From a perusal of the testimonies of PW-7, Jarnail Singh, PW-8, Krishan Lal and PW-9 Gejo Devi, it was apparent that they all three had made contradictory statements. Even the families of Jeet Ram and Mohinder had no reason to join hands with Ram Chander and to go to house of Jarnail Singh for assaulting them. Still further, it is not understandable as to how the house of Jarnail Singh was chosen to lodge the protest of a stale incident instead of house of Roshni and Randhir. Even PW-7, Jarnail Singh had admitted that no occurrence had taken place before the said occurrence and even the present dispute had taken place between Randhir and Ram Chander. She further submits that in the present case, it has been falsely alleged that 11 persons had entered the house of the complainant and had inflicted injuries to them. However, surprisingly, no other person from the locality had even come to pacify them. Even, the investigation in the present case was admittedly defective and the benefit of doubt should have been extended to the present appellants. Apart from that, there were serious contradictions between the medical and ocular version and the prosecution witnesses had improved their version, while appearing as witnesses before the trial Court. Consequently, it was prayed that the present appellants may be ordered to be acquitted by this Court.

13. On the other hand, learned State counsel has vehemently argued that in the present case, the matter was promptly reported to the police by the complainant Jarnail Singh. Even the occurrence had taken place in the house of Jarnail Singh and they had no reason to falsely involve so many persons. Apart from that, the statement of PW-7, Jarnail Singh has been duly corroborated by the statement of PW-8, Krishan Lal and PW-9, Gejo Devi. Even during the course of trial, it was found that the ocular account was duly corroborated by the testimonies of PW-1 Dr. S.S. Punia, PW-2, Dr. Sunanda Jindal, PW-5 Dr. Ram Kumar and PW-14 Dr. Aditya Kumar Sharma. Even initially 11 persons were ordered to be tried by the trial Court, however, all the accused, who were simply named and no role had been assigned, were ordered to be acquitted by the trial Court. However, against all the appellants, there was sufficient evidence to prove their participation in the crime. Thus, the present appeal deserves to be dismissed by this Court.

14. We have heard learned counsel for the parties and perused the record carefully.

15. In the present case, as per the version of the prosecution, Gurmukh Singh @ Bagri and Raghubir Singh @ Bheera had given one blow each with an iron rod on the head of Ram Kumar, whereas it was also apparent that Som Nath @ Soma also gave a blow with lathi on the head of Ram Kumar. However, the prosecution case is assailed only on the ground that Ram Kumar had suffered only one external injury i.e. a curved lacerated wound of the size 3" x ½" over scalp in the midline extending to the left obliquely anteriorly midway between anterior hairline and vertex. The underlying bone was exposed and the injury was caused by the blunt weapon. Dr. Ram Kumar, PW-5 also noticed one

injury on the head of the deceased. PW-14, Dr. Aditya Kumar Sharma, who conducted the postmortem examination on the dead body of Ram Kumar, also stated that there was only one injury i.e. oblique stitched lacerated wound across the midline over the bi-frontal region of the scalp. The wound was already stitched. The anterior end of the wound was 9 cm above the inner end of the left eye brow and the posterior end of the wound was 11.3 cm above the inner end of the right eye brow. We agree with the finding recorded by the trial Court that though externally only one injury was mentioned in the MLR as well as the postmortem report, however, it was a stitched wound. Even the size of injury clearly indicated that this was not a result of single blow. Dr. Aditya Kumar Sharma also stated that it was a stitched wound and certainly before the end was stitched, there was a considerable gap between 2 edges of the wound. Thus, the said injury was clearly an outcome of three blows given by Gurmukh Singh @ Bagri, Raghubir Singh @ Bheera and Som Nath @ Soma. It was also apparent that the injury was an outcome of multiple blows by those three accused at the same place. Even as per the ocular version of PW-7 Jarnail Singh, PW-8 Krishan Lal and PW-9 Geja Devi that Sunil Kumar gave a dangra blow on the left hand thumb of Krishan Lal, whereas Kiran Pal gave a blow with Ballam on his head. Injury No.3, which fell on the left-hand thumb of Krishan Lal, was found to be a fracture of terminal phalanx of left thumb. However, there was no fracture on injury No.1. Still further, as per the opinion of PW-2, Dr. Sundanda Jindal, she gave opinion Ex.PH/1 and Ex.PH/2, after the weapons were taken from the sealed parcels. After taking out dangra (Ex.P5) and Ballam (Ex.P6), the doctor opined that there was a possibility of injuries No.1 and 3 on the person of Krishna Lal with dangra and Ballam. Still further,

as regards injuries suffered by Gejo Devi, PW-7 Jarnail Singh, PW-8 Krishan Lal and PW-9 Gejo Devi had consistently deposed that Jeet Ram gave a blow with iron rod on her head. However, as per her, no other injury was caused by any other accused. Further, as per Dr. Sunanda Jindal, PW-2, Gejo Devi had suffered only one external injury, which was 1” lacerated wound over right parietal region 1” to the right of the midline. The clotted blood in and around the wound was present. Dr. S.S. Punia, PW-1, vide his report (Ex.PB) opined that no fracture was found on the person of Gejo Devi. Even, the injury was finally treated as simple in the present case.

16. The testimonies of three injured witnesses were duly corroborated by the medical evidence in the present case. Further, even during investigation by PW-13, Inspector Surjit Kumar, the allegations leveled by three witnesses were found to be correct. In pursuance of his disclosure statement (Ex. PBB), Gurmukh Singh @ Bagri got recovered an iron rod (Ex.P8). Further, Jeet Ram suffered a disclosure statement (Ex.PCC) and got recovered an iron rod (Ex.P-7). Similarly, Sunil Kumar suffered a disclosure statement (Ex.PDD) and got recovered a dangra (Ex.P-5). Som Nath @ Soma suffered a disclosure statement (Ex.PEE) and got recovered a lathi (Ex.P-10). Further, Raghubir @ Bheera suffered a disclosure statement (Ex.PFF) and got recovered an iron rod (Ex.P-9). Similarly, Kiran Pal also suffered a disclosure statement (Ex.PHH) and got recovered a Ballam (Ex.P6). Thus, even the weapons of offence were also recovered from all these accused, who were convicted by the trial Court. Apart from that, even specific opinion was taken by the police with regard to the weapons recovered from the appellants in the present case. It was found that the injuries suffered by the three injured were quite possible with the weapons,

which were recovered from the appellants in the present case. Apart from that, even the investigation in the present case was also conducted by ASI Kulwant Singh, PW-10, who had initially reached at the spot and also recorded the statements of the injured witnesses in the present case. He also collected the medical record and produced the same on the case file. Thus, even though 11 assailants were initially challenged by the police, the trial Court correctly held that only 6 persons i.e. the appellants had actively participated in the commission of crime and there was sufficient incriminating evidence against them.

17. Learned counsel for the appellants tried to assail the version of the prosecution on the ground that the version of the prosecution about the genesis of the occurrence was not trustworthy. While making such submissions, learned counsel had referred to minor contradictions in the statements of PW-7 Jarmail Singh, PW-8, Krishan Lal and PW-9, Gejo Devi.

18. From a perusal of testimonies of three witnesses, as discussed in detail above, it is apparent that such minor contradictions are bound to appear in the testimonies of truthful witnesses. So far as, roles of all six appellants are concerned, their testimonies were consistent and were also corroborated by the statement of PW-13, Inspector Surjit Singh. Even during the course of investigation, it was specifically observed by the Investigating Officer that their participation stood proved beyond any doubt. Apart from that, there was no inconsistency between the medical and ocular version and only the appellants, who had actively participated in the commission of crime and to whom specific roles had been attributed, were ordered to be convicted by the trial Court. Even otherwise, we have carefully perused the trial Court record and find no

irregularity or illegality in the impugned judgment of conviction dated 14.09.2004 and order of sentence dated 18.09.2004, passed by Additional Sessions Judge, Ambala.

19. As a result of above discussion, the present appeal is ordered to be dismissed and the impugned judgment of conviction dated 14.09.2004 and order of sentence dated 18.09.2004 passed by the Court of Additional Sessions Judge, Ambala are ordered to be upheld.

20. All pending applications, if any, are also disposed off, accordingly.

21. Case property, if any, may be dealt with as per rules.

22. The trial Court record be sent back to the trial Court.

(N.S.SHEKHAWAT)
JUDGE

(H.S.GREWAL)
JUDGE

16.04.2026

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