



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

Date of Decision: 27.05.2026

...Appellant

...Respondent

Mr. M.S. Bajwa, DAG, Punjab.

1. The appellant has filed the present appeal against the impugned judgment of conviction and the order of sentence dated 14.08.2008, passed by the Court of Sessions Judge, Fatehgarh Sahib, whereby the appellant has been convicted for commission of the offence punishable under Sections 324 and 326 of the Indian Penal Code and has been sentenced to undergo following imprisonment:-

Under Section 326 of Indian Penal Code	Rigorous imprisonment for a period of four years and to pay a fine of Rs.5000/-. In default of payment of fine, to further undergo rigorous imprisonment for a period of three months.
Under Section 324 of Indian Penal Code	Rigorous imprisonment for a period of one year.

2. The brief facts of the present case are that on 14.10.1999, Kuldeep Singh accused along with his friends caused injuries to Sukhwinder Singh, the brother of complainant and Sukhwinder Singh was admitted at Civil Hospital, Fatehgarh Sahib. Complainant Harwinder Singh and Kulbir Singh were attending their brother in the hospital. Kuldeep Singh son of Ajmer Singh (co-accused of Harinder Singh, since convicted and sentenced) was also admitted in general ward of Civil Hospital, whereas Sukhwinder Singh brother of the complainant was admitted in Emergency Ward in Civil Hospital, Fatehgarh Sahib. At about 4.45 A.M. on 15.10.1999, the complainant heard the cries of Sukhwinder Singh his brother. The complainant when reached the emergency ward in the above hospital, he spotted four persons namely Kuldeep Singh, his brother Bobbi, Sahib Singh and fourth unknown person running from the side of emergency ward. There was bleeding on the face of brother of the complainant Sukhwinder Singh and it splashed with blood. He informed the complainant that Bobbi son of Ajmer Singh had caused injuries with a Datt on his forehead, eyes and nose. The complainant spotted Bitu son of Balbir Singh and Raju son of Devinder Singh standing outside the ward in the hospital. All the assailants thereafter fled away in a car, the number of which could not be read by the complainant. They were talking that Sukhwinder Singh should be done to death. The cause of occurrence was that there was a civil litigation of Ajmer Singh, father of Kuldeep Singh and he was forcing the complainant to ask his father to appear as a witness in their favour but the complainant side insisted that they would give truthful statement in Court which offended them. The accused left their scooter No.PB-26A-7885 on the spot while fleeing.

3. After the completion of necessary investigation, challan was presented against the accused before the Court of Area Magistrate. Since the offence was triable by the Court of Sessions, the case was committed by the Area Magistrate to the Court of Sessions Judge. Ultimately, the trial Court found that a *prima facie* case under Sections 307, 324 IPC was made out against the accused and he was ordered to be charge-sheeted accordingly, to which he pleaded not guilty and claimed trial.

4. In support of its case against accused-appellant, the prosecution examined PW1 Dr. Balwinder Singh, PW2 Sukhwinder Singh injured/complainant, PW3 Harvinder Singh, PW4 HC Baldev Singh, PW5 DSP Sukhdev Singh Virk, PW6 Manjeet Singh, PW7 Sardara Singh, PW8 Constable Sukhpal Singh, PW9 Dr. Jaspal Singh, PW10 HC Sohan Singh, PW11 Manjit Singh Reader, PW12 Baljinder Kumar Patwari Halqa Rurki, PW13 HC Mukhtiar Singh, PW14 Dr. Usha Singh, PW15 Dr. Gagandeep Singh Brar and thereafter evidence of prosecution was closed.

4. After closure of the prosecution evidence, the entire incriminating evidence was put to the appellant in the shape of a statement under Section 313 Cr.P.C. The appellant denied all the allegations and pleaded false implication. No evidence was led by the appellant in his defence.

5. Learned counsel for the appellant vehemently argued that in the present case, the prosecution had only relied upon the statements of PW2 Sukhwinder Singh, PW3 Harvinder Singh and PW7 Sardara Singh. In fact, Harvinder Singh is the real brother of Sukhwinder Singh and Sardara Singh is father of Sukhwinder Singh, injured. Even, from the record, it was apparent that

Harvinder Singh was not even present at the place of occurrence and was not an eye-witness of the present case. Apart from that, the statement of PW2 Sukhwinder Singh was full of contradictions, which was material and sufficient in itself to destroy the prosecution case. The said witness frequently changed his version, which was apparent on record and it was unsafe to place reliance on such deposition. Still further the prosecution case was based on the testimony of various interested and official witnesses and there was no independent corroboration of the prosecution case. Apart from that, the complainant was a hardcore criminal and many cases were registered against him and he was caused injuries by some unknown persons and thus the appellant has been falsely involved in the present case. It was, thus, prayed that present appeal be allowed.

6. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the appellant and has referred to various detailed findings recorded by the trial Court and submitted that the appellant has been rightly convicted by the trial Court by appreciating the evidence on record and the appeal deserves to be dismissed by this Court.

7. I have heard learned counsel for the parties and perused the record carefully with their able assistance.

8. From the record, it is apparent that the prosecution case has been unfolded by PW2 Sukhwinder Singh, injured in the present case. His testimony was duly corroborated by the statement of PW3 Harvinder Singh. Even though, Harvinder Singh is real brother of Sukhwinder Singh, injured, but the same is not a ground to serve his testimony in the present case. In fact, PW2 Sukhwinder Singh as well as PW3 Harvinder were cross-examined at length and they had withstood the test of cross-examination. Apart from that, in the

present case, from the MLR (Ex.PC) of Sukhwinder Singh, it is apparent that all the injuries suffered by him at the time of his examination by the doctor were freshly caused and even otherwise he had no reason to involve an innocent person in the crime in the present case. Even, recoveries were made in the presence of PW7 Sardara Singh and there was sufficient evidence to connect the appellant with the crime. Still further, the statements of PW2 Sukhwinder Singh and PW3 Harvinder Singh were duly supported by the medical evidence, which was produced in the shape of PW9 Dr. Jaspal Singh, PW14 Dr. Usha Singh and PW15 Dr. Gagandeep Singh Brar. Even, from the testimonies of these doctors, it could not be said that the injuries were self suffered. Even otherwise, the minor inconsistencies and contradictions appearing in the testimonies of various prosecution witnesses, are liable to be ignored as the witnesses appeared before the trial Court after several months for their deposition. Moreover, there was sufficient evidence to show that the appellant and his co-accused had committed the offence under Sections 324 and 326 IPC.

9. Even otherwise, I have gone through the judgment passed by the trial Court and find no infirmity, illegality or perversity in the judgment. Thus, the impugned judgment of conviction, passed by the trial Court is upheld by this Court.

10. Now adverting to the order and quantum of sentence, this Court cannot lose sight of the fact that the appellant is facing the agony of prosecution continuously since 15.10.1999, i.e. for the last more than 26 years. Still further, the appellant has undergone 02 years, 04 months and 06 days of actual custody, out of total sentence of 04 years. Moreover, he is a first offender. Thus, no purpose would be served by sending him behind the bars. Consequently, the

sentence imposed upon the appellant is reduced to the period already undergone by him. However, the amount of fine shall remain the same.

11. With the above modifications, the present appeal is partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence imposed on the appellant is reduced to the period already undergone by him, however, the amount of fine shall remain same.

12. Vide order dated 12.03.2026, Mr. Jaspal Singh Pannu, Advocate was appointed as Amicus Curiae, to represent the appellant in the instant appeal. This Court appreciates the able assistance rendered by learned Amicus Curiae while deciding the present case, therefore, the counsel fee of learned Amicus Curiae is assessed to be Rs.20,000/-, which shall be paid by the Secretary, Legal Services Committee, Punjab and Haryana High Court, Chandigarh.

13. Pending application(s), if any, stand(s), disposed of, accordingly.

27.05.2026
sunil

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No
Whether full judgment is pronounced or operative part thereof	:	Full
Uploaded on	:	