



204 (01 case)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1595-SB-2008
Date of Decision:21.04.2026

Love Sachdeva ...Appellant
Vs.
State of Punjab ...Respondent

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

Present: Mr. Jasdeep Singh Walia, Advocate with
Mr. Akramjit Singh Ahluwalia, Advocate
for the appellant.

Mr. Bhanu Partap Singh, Addl. A.G., Punjab.

Mr. Sumit Tyagi, Advocate for
Mr. L.M Gulati, Advocate
for the complainant.

N.S.Shekhawat J.

1. The appellant has filed the present appeal against the impugned judgment of conviction and order of sentence dated 13.08.2008, passed by the Court of Additional Sessions Judge, Bathinda, whereby the appellant was ordered to be convicted for the offences punishable under Sections 323 and 325 of IPC and was sentenced as under:-

Under Section 325 IPC	R.I for a period of one year and to pay a fine of Rs.,1000, in default of payment of fine, to further undergo RI for a period of one month.
Under Section 323 IPC	R.I for a period of six months.

2. The brief facts of the present case are that on 08.04.2005 a ruqa was received from Civil Hospital, Bathinda at Police post Civil lines, Bathinda



to the effect that Dharminder Sachdeva son of Ram Chand Sachdeva was admitted in the above hospital with injuries that ASI Jai Singh along with H.C. Partap Singh No. 1365 and other police officials reached at Civil Hospital, Bathinda, on receipt of that ruqa. That he moved a written application to the concerned doctor attending on the injured, for seeking fitness of the injured to record his statement and the injured was opined unfit to make the statement. That on 09.04.2005, ASI Jai Singh and other police officials again reached Civil Hospital, Bathinda and moved another application to the concerned doctor seeking his opinion regarding fitness of injured to make the statement. That the injured Dharminder Sachdeva was opined fit to make the statement on that day. That Injured Dharminder Sachdeva made his statement before ASI Jai Singh on 09.04.2005 that he was employed as SDO (Indoor) at BSNL. That Love Sachdeva his elder brother resided in the back side of Kothi no. 377 along with his family and he resided in front portion thereof. That there was one gate for entering in the kothi. That Brahm Bajaj son of Om Parkash resident of Malout, being his relation came to meet him day before 9.4.2005 at about and 4.15 p.m, he was teaching his children was sitting in the chair and his relative Brahm Bajaj was sitting in the Courtyard beside him. That in the meantime, his brother Love Sachdeva started abusing him as to why the complainant injured had occupied the entire place by putting the chairs thereupon. That the son of Love Sachdeva , namely, Jatin was playing with bat. That Love Sachdeva took the bat from him and gave bat blow on the head of the complainant. That he gave another bat blow, which hit on the left side of the head of complainant Dharminder Sachdeva and his left was arm and fractured therewith. That Love Sachdeva accused gave bat blow on the head of the complainant, with an



intention to kill him. That the complainant raised alarm whereupon the people from the neighbourhood collected there. That the accused fled away there from along with bat. That Brahm bajaj, relative of the complainant, took him to Civil Hospital, Bathinda. That the wife of the complainant, Rashmi also came there and got him admitted in the above hospital. That cause of occurrence is property dispute between the complainant and the accused, who are real brothers. ASI Jai Singh, the Investigating Officer, recorded statement of complainant Dharminster Sachdeva and made his endorsement upon, where upon the FIR of this case was registered at P.S. Kotwali, Bathinda against the accused for the offences under section 308 and 325 IPC.

3. After necessary investigation, the final report under Section 173 Cr.P.C was presented against the appellant before the Court of Area Magistrate.

4. Since, the offence was triable by the Court of Sessions, the case was committed to the Court of Sessions Judge, Bathinda.

5. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 308 and 325 of IPC was made out against the appellant and he was charge-sheeted accordingly. However, he pleaded not guilty and claimed to be tried by the Trial Court.

6. In order to prove the charge against the appellant, the prosecution examined 06 witnesses.

7. After the closure of the prosecution evidence, the statement of appellant was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that they had been falsely involved in the present case.

8. In his defence evidence, appellant has examined DW-1 Harjit



Singh Sodhi and DW-2 Subhash Chander and thereafter, the defence evidence was closed.

9. At the very outset, learned counsel appearing on behalf of the appellant submits that he does not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to him. Even though, learned counsel for the appellant has not challenged the judgment of conviction, still this Court has considered the case on merits.

10. I have heard the learned counsel for the parties and with their able assistance, I have gone through the trial Court record carefully

11. In the present case, the prosecution had examined Dharminder Sachdeva, complainant as PW-1, who had fully supported the case of the prosecution. His statement was duly corroborated by PW-2 Brahm Parkash @ Brahm Bajaj. Still further, in the present case, the prosecution examined PW-4 Dr. Kuldeep Rai, Medical Officer, Civil Hospital, Rampura Phul, who had proved the entire medical record in the present case. Still further, the prosecution had examined PW-5 ASI Jai Singh and PW-6 S.I Bawa Singh, who had proved the investigation in the present case and found the allegations levelled by the complainant side to be correct and truthful. Still further, as per the opinion rendered by PW-3 Dr. Tejwant Singh, injuries No.1 and 2 were simple in nature, whereas, injury No.3 was grievous and was caused with a blunt weapon. Thus, the Trial Court had rightly convicted the appellant for commission of the offence punishable under Sections 323 & 325 of IPC.

12. Even otherwise, I have gone through the judgment passed by the Trial Court and find that there is no illegality, perversity or infirmity in the



impugned judgment passed by the Trial Court and the impugned judgment of conviction is ordered to be upheld.

13. Now, advertent to the order of sentence in the present case, this Court cannot lose sight of the fact that the FIR in the present case was registered on 09.04.2005 and the appellant is facing the agony of trial/appeal for the last more than 20 years. Even, the appellant was sentenced to undergo maximum R.I for a period of one year and he has undergone 16 days of actual custody. Even, the appellant is first offender and was never involved in any criminal activity. Apart from that, the sentence imposed on the appellant was ordered to be suspended by this Court on 12.09.2008 and in the past 17 years, he had maintained good conduct. Consequently, the order of sentence is modified to the extent that the sentence imposed on the appellant is reduced to the period already undergone by him in the present case and the amount of fine will remain the same.

14. 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 and the amount of fine will remain the same.

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

16. The Trial Court record be sent back.

21.04.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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