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

**CRM-23175-2026 IN/AND
CRA-S-1905-SB-2008
Date of Decision:26.05.2026**

Balam Singh and Others

...Appellants

Vs.

State of Haryana

...Respondent

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

Present: Mr. Devender Kumar, Advocate
for the applicant-appellants.

Mr. Parmod Kumar, AAG, Haryana.

Mr. Rajesh Dhiman, Advocate for
Mr.Karan Singh, Advocate
for the complainant.

N.S.Shekhawat J.

CRM-23175-2026,

1. Prayer in the present application filed under Section 528 of B.N.S.S for fix the actual date of hearing in the appeal.

2. For the reasons mentioned in the application, same is allowed.

The main case i.e **CRA-S-1905-SB-2008** is taken on Board today itself.

Main case

1. The appellants have filed the present appeal against the impugned judgment of conviction and order of sentence dated 25.09.2008, passed by the Court of Additional Sessions Judge, Fatehabad, whereby, the appellants were ordered to be convicted for the offences punishable under Sections 364,323 and 324 r/w Section 34 of IPC and were sentenced accordingly.



2. During the pendency of the present appeal, Uttam Singh, appellant No.2 and Raju, appellant No.4 have expired and the appeal qua them stands abated.

3. The brief facts of the prosecution case are that on 14.09.2004, Mahender Pal Sub Inspector of Police Station City, Tohana recorded the statement of complainant Mehar Chand son of Kartara Ram, Caste Bajigar, resident of Ruppawali at General Hospital, Tohana. As per his statement dated 14.09.2004, he alongwith his nephew Kishna Ram son of Salar Ram came to Tohana Court for attending the case registered against them under Sections 323,324 of IPC. They got the date from the Court at 11:00 A.M. When they reached outside the Court premises, one jeep bearing No.DL-4CC-8897 carrying four persons stopped near them. Balam Singh was driving the jeep and raised *lalkara*. He asked other persons to pick up Mehar Chand and finish him. Among others three person caught his hands and picked him and threw him in the jeep. His nephew tried to save him but Balam Singh and his associates managed to run away in the jeep. The jeep stopped in a narrow street. On hearing his hue and cry, many persons gathered on the spot. Balam Singh and his associates made him free. One of them inflicted injury on his left foot with *Datar* (scythe). He did not know the names of other three persons. Balam Singh got registered against him a case under Sections 323,324 of the IPC. Balam Singh wanted to take revenge. On these allegations, a ruqa was sent to the police station for the registration of the case under Sections 323,324,364 of the IPC and Section 25 of the Arms Act through constable Kalam Singh No.560. The case was registered. Further investigations were carried out. The jeep



bearing no.DL4CC-8897 was recovered. One datar (scythe) was recovered from Uttam Singh. Disclosure statement of Balam Singh and Uttam Singh were recorded. Balam Singh and Uttam Singh admitted that on the day of occurrence they were accompanied with Lakha Singh, Raju and Hakam Singh. On dated 13.10.2004, accused Lakha Singh, Raju and Hakam Singh were arrested. The Investigating Officer prepared site plan. The Investigating Officer recorded statements of the witnesses under Section 161 Cr.P.C. After completion of all other formalities of investigation, report under section 173 Cr.P.C. was filed against all the accused in the court of the Area Magistrate.

4. After necessary investigation, the challan was presented before the Court of Area Magistrate. Since, the offences were triable by the Court of Sessions, the case was committed to the Court of Sessions Judge, Fatehabad.

5. After committal, the Trial Court charge-sheeted the appellants for commission of offences punishable under Sections 323,324,364 r/w Section 34 of IPC and 25 of Arms Act to which they pleaded not guilty and claimed to be tried by the Trial Court.

6. In order to prove the charge against the appellants, the prosecution examined 09 witnesses. PW-1 S.I Ram Kumar, PW-2 Constable Suresh Kumar, PW-3 Mehar Chand, PW-4 Krishna Ram, PW-5 Dr. Manoj Kumar, Medical Officer, General Hospital, Tohana, PW-6 Draftsman Balwant Singh, PW-7 S.I/I.O Mahenderpal Singh, PW-8 Pushpinder Kumar Ahlmad and PW-9 Inspector Subhash Chander and thereafter, the prosecution evidence was closed.

7. After the closure of the prosecution evidence, statements of



appellants were recorded under Section 313

Cr.P.C and all the incriminating evidence was put to them, to which they pleaded that they had been falsely involved in the present case. No defence evidence was led by the appellants in their defence.

8. During the pendency of the present appeal, learned counsel for the parties submitted that the parties have entered into a compromise with each other and they were living peacefully. Consequently, on 17.07.2025, a Co-ordinate Bench of this Court had passed the following order:-

“CRM-26302-2025

This is an application filed under Section 528 of B.N.S.S, 2023 praying for early hearing and disposal of the appeal on account of compromise dated 25.06.2025 effected between the parties. The copy of compromise is Anneuxre A-3.

Mr. Karan Singh, Advocate has appeared and filed his vakalatnama on behalf of the complainant today in the Court and the same is taken on record and pleaded that he has has no objection in accepting the compromise between the parties.

Learned State counsel has also placed on record the custody certificate of convict-appellant-Lakha Singh, the main accused, who has already undergone actual sentence of 01 year, 01 month and 21 days out of total sentence of 05 years.

The application is allowed to the extent of preponing the matter and the main appeal is taken on Board today itself.

CRA-S-1905-SB-2008

The surviving appellants and complainant of the case are hereby directed to appear in the Court of learned Chief Judicial Magistrate, Fatehabad for getting their statements recorded regarding genuineness of the compromise, on 31.07.2025.

Chief Judicial Magistrate, Fatehabad thereafter shall send report in this regard to this Court.

2026.PHHC.084040



*Adjourned to 28.08.2025 for
awaiting report”.*

9. In compliance of the aforesaid orders, a report has been received from the Court of Chief Judicial Magistrate, Fatehabad and it has been reported that a compromise has been arrived at between the complainant side and the appellants and the complainant did not intent to proceed with the present FIR. Even, all the matters have been amicably resolved between the parties and the complainant side had no grouse against the accused in the present case.

10. In view of the aforesaid development, learned counsel appearing on behalf of the appellants submit 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 them. Even though, learned counsel for the appellants has not challenged the judgment of conviction, still this Court has considered the case on merits.

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

12. In the present case, I have carefully perused the judgment of conviction passed by the Trial Court and found that the appellants have been rightly convicted for the commission of offences punishable under Sections 364,323 and 324 r/w Section 34 of IPC. Even otherwise, learned counsel for the appellants could not point any 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, adverting to the order of quantum of sentence in the present case, this Court cannot lose sight of the fact that the F.I.R in the present case



was registered on 14.09.2004 and the appellants were facing the agony of trial/appeal for the last about 22 years. As per the Custody Certificates, appellants have already undergone more than one year of actual custody. Apart from that, the sentence imposed on the appellant namely Balam Singh was ordered to be suspended by this Court on 02.07.2009, whereas, the sentence imposed on the appellants namely Lakha and Hakam Singh was ordered to be suspended by this Court on 04.11.2009 and in the past 17 years, they had maintained good conduct. Consequently, the order of sentence is modified to the extent that the sentence imposed on the appellants is reduced to the period already undergone by them in the present case, however, 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 them, however, the amount of fine will remain the same.

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

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

17. The Trial Court record be sent back, if any.

(N.S.SHEKHAWAT)
JUDGE

26.05.2026

hitesh

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