

204/2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-201-SB-2008 (O&M)
Date of Decision: 23.03.2026

Sudama @ Dama and others

...Appellants

vs.

State of Haryana

...Respondent

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

Present : Mr. Sumeet Pal Singh Sindhu, Advocate
for the appellants.

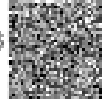
Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

Mr. Munish Kumar Garg, Advocate and
Ms. Sakshi Tanwar, Advocate and
Mr. Sanjiv Sheoran, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

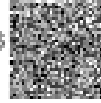
1. The appellants have filed the present appeal against the impugned judgment of conviction dated 18.01.2008 and order of sentence dated 22.01.2008, passed by the Court of Sessions Judge, Jind, whereby, the appellants were convicted for the commission of offences punishable under Sections 325, 323 read with Section 34 IPC and were sentenced as under:-

Under Section 325 read with Section 34 IPC	RI for four years and to pay a fine of Rs.4,000/- each and in default of payment of fine, they shall further undergo RI for four months.
Under Section 323 read with Section 34 IPC	RI for six months and to pay a fine of Rs.5,00/- each and in default of payment of fine, they shall further undergo RI for one month.



2. During the pendency of the appeal, appellant No. 3, Satyawar had expired and the appeal qua him stands abated. The arguments have been heard in the present case regarding appellants No.1 and 2, only.

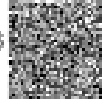
3. The brief facts of the case are that the complainant, Anand Kumar, who is an agriculturist, is a resident of village Pauli (Police Station Julana). On 07.07.2004, at about 8-9 am., he alongwith his younger brother Dharam Pal, were repairing the drain in their fields. Adjacent to their fields are the fields of Banwari Lal, uncle of the complainant. Accused Sudama alias Dama, Satyawar and Jai Bhagwan sons of Banwari Lal were also present in the fields. Smt. Ratni wife of the complainant, in the meanwhile, had brought meals for the complainant. It is further the case of the prosecution that all the accused had questioned the complainant as to why he was closing the drain whereupon the complainant had replied that he was not closing the drain but was only repairing it. Accused Satyawar was having a Jelva, whereas, accused Jai Bhagwan and Sudama alias Dama were having lathies in their hands. Exhorting that the complainant was to be made to taste the fruit of closing the drain, accused Jai Bhagwan gave a lathi blow on the head of the complainant. There was a fight. Accused Satyawar gave Jelva blow (lathiwise) on right wrist of the complainant. Accused Sudama alias Dama gave a lathi blow to Dharam Pal (brother of the complainant) on his temporal region. Another lathi blow by him had hit left hand of Dharam Pal. The complainant was giving safety calls; these had attracted the villagers working in their fields, all the accused managed to flee with their weapons in their hands. The complainant, his wife and brother came back to their house. Dharam Pal became unconscious. Making arrangement for transport, the complainant brought injured Dharam Pal to CHC



Julana for medical treatment. He was medicolegally examined and was referred to General Hospital, Jind. They reached General Hospital, Jind, wherein injured Dharam Pal was taken as indoor patient. Complainant Anand also got his medical treatment. Injured Dharam Pal was referred to PGIMS Rohtak. No neuro surgeon was available. Consequently, they were advised by the PGIMS authorities to take the injured to Lok Nayak Jai Parkash Hospital, Delhi. The injured party did likewise. Injured Dharam Pal was got admitted in the said hospital at Delhi. Producing his own as well as MLR of Dharam Pal, the complainant making averments that he had suffered fracture in his hands, made complaint (Ex.PB) to ASI Rajbir Singh of Police Station Julana on 13.7.2004. Making his endorsement Ex.PB/1, ASI Rajbir Singh had sent the complaint (Ex PB) to the Police Station on the basis of which FIR (Ex.PB/2) was recorded. Investigations were conducted and spot was inspected and the accused were arrested. Weapons were recovered from them. After receipt of opinion of Neuro Surgeon that one injury to Dharam Pal was dangerous to life, offence under Section 307 IPC was added. After completion of necessary investigations, challan was filed against the accused.

4. After the presentation of challan, the appellants were charge-sheeted for the commission of offences punishable under Sections 307, 325 and 323 read with Section 34 of IPC, to which they pleaded not guilty and claimed trial.

5. In support of the prosecution case, the prosecution examined 9 witnesses. PW1, Patwari Ram Kumar had prepared the scaled site plan (Ex.PA) on the demarcation of ASI Rajbir Singh on 19.02.2005. ASI Bharat Singh appeared as PW-2, proved FIR (Ex.PB/2). SI Vidya Nand appeared as PW-3



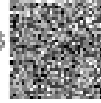
and exhibited the report under Section 173 Cr.P.C. PW4, Anand Kumar, complainant had proved his complaint (Ex.PB) and had also witnessed the recovery memo (Ex.PC), vide which, *lathies* were recovered by the police. PW-5, injured Dharam Pal had given a detailed account and manner in which, injuries were caused to them. Dr. M.L. Kochar, PW-6 proved his report (Ex.PE) and also proved the x-ray films (Exs.P-6 to P-9) and skiagrams (Exs.P1 to P-5). PW7, Dr. Surender Singh, conducted the medico legal examination of Anand, injured at 9:45 am on 07.07.2004 in CHC Julana and found the following injuries on his person:-

1. *There was swelling present on the right wrist joint. The patient complaint pain and tenderness. X-ray was advised. He was referred General Hospital, Jind.*
2. *A deep lacerated wound was present on the right parietal bone. Bleeding was absent. Clotted blood was present. X-ray was advised.*

He also proved the MLR (Ex.PF) on the same day at 10 am and he had also medico legally examined injured Dharam Pal and had found the following injuries on his person:

1. *A contusion was present on left fore arm on medial part with swelling. The patient complained pain and tenderness. X-ray was advised. He was referred to General Hospital, Jind.*
2. *A superficial wound was present on right parietal bone. Bleeding was absent. X-ray was advised. Referred to General Hospital, Jind.*
3. *A contusion was present on the left leg on the posterior aspect of the upper part. The patient complained of pain and tenderness. X-ray was advised.*

He also proved the MLR (Ex.PG). On 21.7.2004, on police request (Ex.PH), he had declared injury No.1 on the person of Anand as grievous and



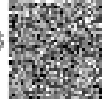
injury No. 2 as simple, after X-ray report (Ex.PE); his report is Ex.PI. Similarly, he had declared injuries No.1 and 2 on the person of Dharam Pal as grievous, whereas, injury No. 3 as simple in nature; his report is Ex.PJ. He has proved opinion (Ex.PI) of Dr. Nitin Dass vide which injury No. 2 on the person of Dharam Pal was declared dangerous. Similarly, on 07.02.2005 on police request Ex.PM, he had given his opinion (Ex.PN) that possibility of injury No. 2 on the person of Dharam Pal having been caused by lathi (Ex.P.2) could not be ruled.

6. PW-8, ASI Rajbir Singh is the Investigating Officer and proved the investigation in the present case. The prosecution examined PW-9, Dr. Nitin Dass, who stated that injured Dharam Pal was admitted as indoor patient in Lok Nayak Jai Parkash Hospital, Delhi on 8.7.2004 and was then discharged on 14.7.2004. Proving discharge card (Ex.PQ), he has also proved his opinion (Ex.PR) to the effect that injury No. 2 on his persons was dangerous to life. He has further deposed that the injured was operated upon by him alongwith Dr. S Sharma, who is no more and thereafter, the prosecution evidence was closed.

7. After closure of the prosecution evidence, the statements of the appellants were recorded under Section 313 Cr.P.C., however, they stated that they had been falsely involved in the present case.

8. In their defence, the accused/appellants examined Dr. Surinder Singh, Medical Officer, Julana as DW1, who medico legally examined Sudama, son of Banwari Lal on 07.07.2004 and found the following injuries on person:-

1. A contusion present on right forearm on the lower end on the later aspect. Patient complained pain and tenderness. Advised x-ray. Referred to G.H. Jind.



2. *A superficial lacerated wound present on the right little finger on palmer aspect. Patient complained of pain and tenderness. Advised X-ray. Referred to G.H. Jind.*

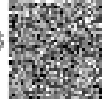
9. DW2, Narendra Singh, Registration Clerk proved the photocopy of Ex.DB i.e. sale deed No.18 of 06.04.2000. The prosecution further examined Samunder Singh, Patwari Halqua Hathwala-II as DW3, who brought the summoned record. He deposed that the land was transferred in the name of Smt. Shanti Devi wife of Raghbir as also in the name of Ram Phal, Anand and Dharampal. Suba, DW4 is son of sister of the complainant. He deposed that panchyat had been convened at the house of Tara regarding the dispute between the parties as the accused had purchased land from the complainant Anand and others.

10. 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 Sessions 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 considered the case on merits.

11. Learned State counsel contended that the appellants do not deserve any concession regarding sentence and the present appeal be dismissed.

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

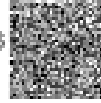
13. In the present case, Anand Kumar appeared in the witness-box as PW4 and corroborated the version given by him in Ex.PB. The statement of



Anand Kumar, PW4 is in conformity with the initial complaint. His statement has been duly corroborated by Dharampal, PW-5, injured in the present case.

14. From the statements of both the witnesses, it was apparent that the accused/appellants had caused injuries to both of them. Still further, ocular account was proved by the testimony of Dr. Surender Singh, PW7, who clearly stated that the injury on the person of Dharam Pal could neither be self suffered, nor could be caused by a friendly hand. Thus, there was sufficient evidence to prove the injuries suffered by Dharam Pal. Still further, in the present case, the opinion with regard to nature of injuries was rendered by PW-9, Dr. Nitin Dass and he had submitted a detailed report. Apart from that, there was no delay in the registration of the FIR and the matter was promptly reported to the police. Even all the witnesses of the prosecution were cross-examined at length, however, no material could be found, which could shatter their testimonies in any manner.

15. Now, adverting to the order on quantum of sentence, this Court is conscious of the fact that appellants No.1 and 2 are facing the agony of trial/appeal/revision, since 13.07.2004 i.e. for the last more than 21 years. Even, at present, the age of appellant No.1, Sudama alias Dama is about 52 years, whereas, Jai Bhagwan, appellant No.2 is almost 70 years old. Still further, the sentence imposed on the appellants was ordered to be suspended by this Court on 31.01.2008 and in the last 17 years, they have maintained good conduct and were never involved in any other crime. Thus, keeping in view the mitigating circumstances of the present case, 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 No.1 and 2 is reduced to the period already



undergone by them. However, the amount of fine imposed on them shall remain the same.

16. With the above modifications, the present appeal is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the appellants No.1 and 2 is reduced to the period already undergone by them. Their bail/surety bonds be discharged accordingly. However, the amount of fine imposed on them shall remain same. This order shall also be subject to payment of compensation of Rs.1.75 lacs to injured Dharam Pal and Rs.25,000/- to Anand, complainant, to be jointly paid by the appellants No.1 and 2.

17. Pending applications, if any, stand disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

23.03.2026
hemlata

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