



110 (01 case)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2126-SB-2007
Date of Decision:21.04.2026

Vir Bhan and Ors. ...Appellants
Vs.
State of Haryana ...Respondent

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

Present: Mr. Sarun Hans, Advocate
for the appellants No.1,3 and 6.

Ms. Monika Beniwal, Advocate
for the appellant No.2.

Appeal stands abated qua appellants No.4 and 5
vide order dated 08.04.2026.

Mr. Parmod Kumar, AAG, Haryana.

N.S.Shekhawat J.

1. The appellants have filed the present appeal against the impugned judgment of conviction dated 03.10.2007 and order of sentence dated 08.10.2007, passed by the Court of Sessions Judge (Fast Track Court), Hisar whereby the appellants were ordered to be convicted for the offences punishable under Sections 148, 307 read with 149 of IPC and were sentenced as under:-

Under Section 148 IPC	R.I for a period of two years
Under Section 307 r/w Section 149 IPC	R.I for a period of five years and to pay a fine of Rs.2000/- each, in default of payment of fine they would further undergo R.I for three months.

2. That in the night of 29.03.2000 a V.T. message was received in



P.S. Sadar, Hisar from Police Station City, Hisar that Poonam Chand son of Lakhi Ram resident of village Sundawas is admitted in Government Hospital, Hisar upon which ASI, Jaibir Singh along with other police officials went to General Hospital, Hisar after obtaining the medical ruqa along with MLR from Police Post Government Hospital, where he was told that injured has been referred to V.K. Neuro Care Hospital. He then went to V.K. Neuro Hospital, Hisar and sought the opinion of the doctor, who declared the injured unfit to make statement. On the next day, he again went to Neuro Care Hospital and after obtaining the opinion of the doctor, recorded statement of injured Poonam Chand who disclosed that on 29.3.2000, at about 6.00/6.30 PM he was coming towards his house after taking fodder and when he reached near the field of Khem Chand son of Maman Ram, Maha Singh, Shobat, Daria Singh, Zile Singh, Khem Chand, Veer Bhan and Om Parkash came out of the wheat crop and surrounded him. Maha Singh was armed with an iron rod, Zile Singh, Khem Chand, Shobat and Om Parkash were armed with lathis and Veer Bhan was armed with jelly. Daria Singh gave an iron pipe blow on his right hand, Shobat gave a *lathi* blow on his head and Zile Singh gave a *lathi* blow on his right foot. Khem Chand gave a lathi blow on his right hand, Veer Bhan gave a jelly blow on his right hand and another thrust wise blow of jelly on his left foot. Om Parkash gave two *lathi* blows on the right foot of the complainant. Maha Singh gave iron rod blow on his right hand and Shobat gave lathi blow on his right hand. He cried for help. On his hearing the hue and cry, his nephew Jai Singh and some other villagers rushed towards the scene of occurrence. On seeing them, all the assailants ran away with their respective weapons. He was brought to the Civil Hospital for the treatment from where he was referred to



V.K. Neuro Care Hospital, Hisar. The motive of the dispute was that there was a Sarpanch election in December, 1994. Dharam Pal and Maha Singh were main contesting candidates for the post of Sarpanch. During the day of polling, Maha Singh and Dariya Singh shot fired on the other party in which he also sustained the bullet injuries. The accused persons with the intention to kill him caused injuries to him. As per the MLR, he received eleven injuries. Injury No.1 was declared simple. Remaining was kept under observation. All the injuries except injury No.4 and 7 were caused by complainant by pointed out weapon.

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

4. Since, all the offences in the present case were triable by the Court of Sessions, the case was committed to the Court of Sessions Judge, Hisar.

5. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 307, 323, 324 of IPC was made out against the appellants and they were charge-sheeted accordingly. However, 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 10 witnesses. Dr. B.L Bagri as PW1, Poonam Chand PW-2, Jai Singh PW-3, C. Raju PW-4, ASI. Jagvir Singh PW-5, PW-6 Harish Kumar SI, Jaibir Singh Incharge PW7, PW-8 Dr.V.K. Gupta, PW-9 MHC Jagdish Parshad, ASI retired Mahender Singh PW10 and thereafter, the prosecution evidence was closed.

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

8. In their defence evidence, appellants have examined Dr. Brij Bhushan Banga as DW- 1 and tendered the copy of Judgment Ex.DM.

9. Learned counsel appearing on behalf of the appellants have vehemently argued that in the present case, except the related witness PW-3, Jai Singh, no other person was examined by the prosecution from the public, even though such independent witnesses were available. Still further, the M.L.R was initially prepared in Civil Hospital and the patient was referred to P.G.I.M.S, Rohtak, however, he was taken to a private nursing home to manipulate the medical evidence. Still further, the offence under Section 307 IPC was wrongly added in the present case. Dr. V.K Gupta, Neuro Surgeon admitted that no surgery was done on the brain and injury on the head of the injured was minor. However, by taking into account the grievous injuries on the legs and arms of the injured, the injuries were declared to be dangerous to life. Thus, not only medical evidence, but the opinion of the doctors was manipulated by the police. Still further, Vir Bhan, appellant No.1 had taken a plea of self-defence and the prosecution was bound to explain the injuries suffered by the accused in the present case. However, there was no explanation for the same. Apart from that, there was an old enmity between the parties and there was a possibility that the appellants were falsely involved in the present case.

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, Poonam Chand, injured appeared as PW-2 and supported the case of the prosecution in totality. His statement was further



corroborated by PW-3 Jai Singh, who proved the role played by each of the accused in the present case. Further, the injuries sustained by Poonam Chand were duly proved by PW-1 Dr.B.L Bagri, who found the following injuries on his person as per MLR Ex.PA:-

- 1.Lacerated wound 3 X 1 / 4 cm on the upper part of left occipital region which was obliquely placed.*
- 2. Diffused painful swelling was on the mid of left temporo parietal region. X-ray for injury No.1 and 2 advised and referred to the surgeon.*
- 3. Reddish bruise 5 x 1 cm was on the lateral and mid of left forearm with diffused swelling and tender to touch.*
- 4. Lacerated punctured wound 1/4 x 1/4 cm with abrasion half x 4 cm was on the posterior and lower 1/3rd of right forearm.*
- 5.Reddish bruise 3 x 1/2 cm was on the lateral and lower part of right force arm which was painful.*
- 6.Abrasion 3-1/ 2 x 1/4 cm was on the dorsal aspect of right hand swelling around was present and was painful.*
- 7.Lacerated punctured wound 1x x 3/4 cm on the anterior and at the level of upper 1/3 and lower 2/3rd of left leg. Fresh bleeding was present. Swelling around was present and was tender in touch.*
- 8. Abrasion 2 x 1/4 cm which was four c.m. below to injury No.5 and was painful.*
- 9. Reddish bruise 5 x 1 1/2 cm was on the lateral and upper 1/3rd of right leg, which was painful.*
- 10. Reddish bruise 9/1 1/2 cm was on the medial and mid of right leg, which was obliquely placed and painful.*
- 11. Two reddish bruises 5 x 1 1/2 cm and 3 x 2 cm were on the lateral and anterior part of right lower leg which was painful.*

X-ray for injury No.3 to 7 and 9 to 11 advised and referred to Surgeon and rest were kept under observation. Injury No.4 to 7 were caused by blunt pointed weapon and rests were caused with



blunt weapon within duration of six hours. Ex. PA is the correct carbon copy of MLR and Ex.PA/1 is the diagram showing the seat of injuries. He sent ruqa Ex. PB to the Incharge medical Police Post General Hospital, Hisar after examination. He also mentioned in the ruqa that injured Poonam Chand was unfit to make the statement.

12. Dr.V.K Gupta,V.K Neuro Care Hospital, PW-8 admitted that Poonam Chand admitted in his hospital on 29.03.2000 with multiple injuries. As per him, the patient had suffered fracture of ulna and both bones fibula with multiple injuries. He gave his opinion Ex.PQ/1 that injuries on the person of Poonam Chand were minor head injuries, but multiple fracture both ulna and fibula and there was concussion and injuries could be dangerous to life.

13. In the present case, the investigation was proved by PW-7 Jaibir Singh, who not only shifted the injured to the hospital, but had also arrested the accused in the present case and effected the recoveries from them. His statement was duly corroborated by PW-5 Jagvir Singh, who had partly investigated the present case. PW-6 Harish Kumar, S.I also proved the arrest of few accused and recoveries from them.

14. In the present case, there was sufficient evidence that all the appellants had formed an unlawful assembly and caused injuries to Poonam Chand, injured. Even, there was no dispute with regard to the role played by each of the appellants in the present case. Even, the weapons were recovered from them and this also corroborated the prosecution version in the present case. 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.

15. Now, advertent to the order of sentence in the present case, this Court cannot lose sight of the fact that the appellants are facing the agony of trial/appeal since 30.03.2000 i.e for the last more than 26 years. Apart from that, the sentence imposed on the appellants was ordered to be suspended by this Court on 07.02.2008 and since then, they had not misused the concession of bail. Even as per the Custody Certificate, appellant No.1 Vir Bhan has already undergone more than 05 months and 16 days of actual custody, whereas, appellants No.2,3 and 6 have already undergone more than 04 months and 07 days of actual custody. Consequently, the sentence imposed on appellants is reduced to the period already undergone by them. However, the amount of fine is enhanced to Rs.50,000/-each/-, which shall be deposited by them with the concerned Chief Judicial Magistrate within a period of two months from the date of receipt of certified copy of this order.

16. In case, the total amount of fine Rs.2,00,000/- is not deposited by them as ordered, the present appeal shall be deemed to be dismissed.

17. The concerned Chief Judicial Magistrate shall disburse the said amount to Poonam Chand, injured in the present case, after proper receipt and identification.

18. With the above modifications, the present appeal is partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence imposed on the appellants is reduced to the period already undergone by them and the amount of fine imposed on them is enhanced to Rs.50,000/-each, which shall be deposited by them with the concerned Chief Judicial Magistrate within a period of two months from the date of receipt of certified copy of this order.



- 19. Case property, if any, be dealt with, as per rules.
- 20. The Trial Court record be sent back.

21.04.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No