

2026.PHHC:073540



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225(2) CRA S-2153-SB-2007
Date of Decision: 07.05.2026

Sona and others ...Petitioner (s)
Vs.
State of Punjab ...Respondents(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Navkiran Singh, Advocate with
Mr. Harmeet Singh, Advocate
for the appellants.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement of conviction and order of sentence dated 09.10.2007 passed by the Court of Additional Sessions Judge, Jalandhar whereby, all the appellants were held guilty for the commission of offence under Sections 308, 452, 323 and 325 read with Section 34 IPC and were sentenced as under:-

<i>Sr. No.</i>	<i>Convict(s)</i>	<i>Offence</i>	<i>Sentence</i>
1	Balbir Singh, Tara Singh, Prem Singh and Sona Singh	Section 452 IPC	To undergo Rigorous Imprisonment for three years each and to pay fine of Rs.5,000 each, and in default of payment of fine, to further undergo Rigorous imprisonment for three months each.
2	Balbir Singh	Section 308 IPC	To undergo Rigorous Imprisonment for four years and to pay fine of Rs.2,500, and in default of payment of fine, to further undergo Rigorous imprisonment for three months.
3	Sona Singh,	Section 308	To undergo Rigorous imprisonment

Sr. No.	Convict(s)	Offence	Sentence
	Tara Singh and Prem Singh	<i>IPC read with Section 34 IPC in relation to offence No.2 above</i>	<i>for four years each and to pay fine of Rs.2,500 each, and in default of payment of fine, to further undergo rigorous imprisonment for three months each.</i>
4	Tara Singh	<i>Section 308 IPC</i>	<i>To undergo Rigorous Imprisonment for four years and to pay fine of Rs.2,500, and in default of payment of fine, to further undergo rigorous imprisonment for three months.</i>
5	Balbir Singh, Prem Singh and Sona Singh	<i>Section 308 IPC read with Section 34 IPC in relation to offence No.4 above</i>	<i>To undergo Rigorous Imprisonment for four years each and to pay fine of Rs.2,500 each, and in default of payment of fine, to further undergo rigorous imprisonment for three months each.</i>
6	Balbir Singh	<i>Section 308 IPC</i>	<i>To undergo Rigorous Imprisonment for four years and to pay fine of Rs.2,500, and in default of payment of fine, to further undergo rigorous imprisonment for three months.</i>
7	Prem Singh, Tara Singh and Sona Singh	<i>Section 308 IPC read with Section 34 IPC in relation to offence No.6 above</i>	<i>To undergo Rigorous Imprisonment for four years each and to pay fine of Rs.2,500 each, and in default of payment of fine, to further undergo rigorous imprisonment for three months each.</i>
8	Sona Singh	<i>Section 323 IPC on the person of Jagtar Singh</i>	<i>To undergo rigorous imprisonment for one year.</i>
9	Prem Singh, Tara Singh and Balbir Singh	<i>Section 323 IPC read with Section 34 IPC in relation to injury No.8 above</i>	<i>To undergo rigorous imprisonment for one year each.</i>
10	Sona Singh	<i>Section 323 IPC on the person of Santo</i>	<i>To undergo rigorous imprisonment for one year.</i>
11	Prem Singh, Tara Singh and Balbir Singh	<i>Section 323 IPC read with Section 34 IPC in relation to injury No.10 above</i>	<i>To undergo rigorous imprisonment for one year each.</i>

2. During the pendency of the present appeal, Balbir Singh, appellant No. 3 has expired and appeal qua his already stood abated.

3. The brief facts of the prosecution case are that on 11.07.2003 at about 05.00 p.m., Jagtar Singh and Satnam Singh had received minor injures in an altercation emanating over children of the two sides. Panchayat of the village and Sarpanch Dalip Singh had assured both parties to the altercation to settle their dispute and a compromise would soon be effected between them. On 13.07.2003 at about 06.00 a.m. Jagtar Singh came to Bachan Singh, husband of the complainant Santo, to tell him that brothers of Satnam Singh wanted to take revenge of injuries caused to him and before it is too late, the matter be settled. Jagtar Singh was in the course of talking with Bachan Singh that accused Prem Singh armed with a baton, accused Tara Singh armed with a *Dang*, accused Balbir Singh armed with a *Patton*, accused Sona Singh armed with an iron rod and accused Peela armed with a *Dang* forcibly trespassed into the house of complainant Santo wife of Bachan Singh and on being exhorted by Peela to kill the person who had assaulted Satnam Singh, accused Prem Singh gave a blow with his *Patton* which landed on the left side of head of Jagtar Singh as a result whereof Jagtar Singh fell on the ground. When Santo rushed to save Jagtar Singh she was given a blow with his iron rod by accused Sona which landed on the left side of her forehead. Jagtar Singh ran out of the house of Bachan Singh to save himself but he was chased by the accused with their respective weapons. Jagtar Singh ran out of the house of Bachan Singh to save himself but he was chased by the accused with

their respective weapons. Jagtar Singh went inside the house of one Ajit Singh for safety but all of the accused trespassed into the house of Ajit Singh also. Santo alongwith her husband Bachan Singh and his brother Chiman Singh went to the house of Ajit Singh to save Jagtar Singh and saw accused Tara Singh giving a blow with his *dang* which landed on the left elbow of Jagtar Singh followed by a blow with his Baton which landed on the person of Jagtar Singh who fell on the ground on receiving these injuries. Accused Prem Singh gave a blow with his Baton which landed on the right eye of fallen Jagtar Singh. Upon clamour raised by Jagtar Singh and others the accused fled away alongwith their respective weapons. The injured were removed to Civil Hospital, Shahkot from where Jagtar Singh was referred to Civil Hospital, Jalandhar because of his critical condition.

4. After the investigation, the *challan* was presented before the Court of Area Magistrate who scrutinized the final report and committed the case to the Court of Sessions.

5. During the course of trial, the trial Court found that a *prima facie* case under Sections 452, 148, 308, 325 and 149 of IPC was made out and the charge was accordingly framed. However, the appellants pleaded not guilty and claimed trial.

6. To prove its case, the prosecution examined complainant Santo as PW1, Jagtar Singh, injured, as PW2, Bachan Singh as PW3, Ajit Singh as PW4, Dr. Rajinder Gill as PW5, PW6 Dalip Singh, PW7 ASI Dilbag Singh, PW8 Dr. Anju Gupta, Medical Officer, ASI Satpal

Singh as PW10, Harish Chander Goel as PW11 and Bhagat Singh as PW12. Thereafter, the evidence of the prosecution was closed.

7. In their statement under Section 313 Cr.P.C., the accused denied all the allegations levelled against them and pleaded that they had been falsely involved.

8. In defence, the appellants examined Dalip Singh as DW1, Gurdev Singh as DW2 and Harish Chander Goel as DW3 and closed the evidence.

9. At the very outset, learned counsel for the appellants submits that he does not wish to challenge the judgement of conviction passed against the appellants by the trial Court, however, some leniency may be shown while awarding the sentence on them. Even though, learned counsel for the appellants has not challenged the judgements of convictions, still, this Court has considered the case on merits.

10. Learned State counsel submits that the appellants do not deserve the concession regarding sentence and the present appeal be dismissed.

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

12. In the present case, Santo, complainant appeared as PW1 and had supported the contents of the initial complaint Ex. PA. PW2 Jagtar Singh, injured, also supported the testimony of PW1 Santo and narrated the entire occurrence. PW3 Bachan Singh, husband of PW1 Santo, had also supported the case of the prosecution. His testimony is also supported by PW4 Ajit Singh. The prosecution further examined

PW7 Dr. Rajinder Gill, who medico legally examined Jagtar Singh and had found the following injuries on his person:-

1. Lacerated wound of the size of 5.5cm x ½ cm, bone deep placed on the left side of forehead, 2 cm left to mid line. Upper end touching hairline.

2. Lacerated wound of the size of 9 cm x ½ cm, bone deep on right side of scalp, placed 2 cms to right to mid line and 9 cms above the pinna of right ear.

3. Lacerated wound of the size of 6 x ½ cm, bone deep placed on the left side of head, 9 cm above Pinna of left ear and 11 cms above the lateral end of left eye brow.

4. Blackening of right eye with sub conjunctival haemorrhage of right eye.

5. Diffused swelling around upper half of left of forearm, tenderness was present.

6. A lacerated wound of the size of 2 cms x ½ cm, bone deep on posterio medial aspect of left forearm, 13 cm above the wrist joint.

7. Reddish bruise mark of the size of 14 cms x 9 cms on anterior aspect of right thigh with swelling around it, placed 5 cms above knee joint. Diffuse swelling around upper half of right forearm, movement were painful”.

In the opinion of PW5 blunt weapon was used for causing all of these injuries which were probably caused within six hours from Medico-legal examination and led into evidence copy of the medico legal report of Jagtar Singh as Ex. PB and pictorial diagram showing seats of injury as Ex. PB/1. He had referred injuries No.1 to 4 for surgical opinion and injury NO.5 and 7 for x-ray opinion. On the basis of opinion of the Surgical Specialist that compound fracture of skull

with pneumocephalus bilateral extra dural haematoma formation was found injuries No.1,2 and 3 were declared dangerous to life of Jagtar Singh. Injury No.4 was declared grievous as it was kept it showed fracture of Zygomatic arch. PW5 has also deposed that x-ray reports were never to him and led into evidence Ex. PC whereby he had declared injury no.1,2 and 3 dangerous to life and injury no.4 as grievous.

13. PW5 also medico legally examined Santo on the same day and one lacerated wound bone deep, of the size of 3.5 cm x 0.5 cm on the left side of her forehead having been caused with a blunt weapon within six hours from her medico legal examination and a copy of her medico legal report of Santo was led into evidence as Ex. PD and upon receipt of x-ray report this injury was declared as simple vide report Ex. PE.

14. PW9 Dr. Sanjeev Babuta gave his opinion that injuries No. 1, 2 and 3 on the person of Jagtar Singh had led to signs and symptoms of head injury including deterioration in level of consciousness, delayed papillary reaction to light, bleeding from the nostrils, haemoptysis and haematemesis with multiple fractures of skull vault, left frontal and right parietal bone. He also noticed evidence of extra dural haematoma formation with air in relation to both sides of brain and PW-9 declared all of the three injuries No.1, 2 and 3 as dangerous to the life of Jagtar Singh and fracture of Zygomatic arch in the lateral wall of right orbit including roof of right orbit was noticed in injury No.4 and was declared as grievous in nature. He also proved his report Ex.P1.

15. PW10 ASI Satpal Singh proved the investigation in the present case, which was got conducted by him. He arrested all the accused and obtained medical record in the present case. Even in pursuance of the disclosure statements suffered by the accused, he had proved recoveries in the present case. PW6 Dalip Singh, draftsman, had drawn the site plan of the occurrence as Ex. PG. PW7 ASI Dilbagh Singh arrested accused Bahal Singh in the present case. PW8 Dr. Anju Gupta, declared Santo fit for making her statement in the present case. PW11 Harish Chander Goel stated that he remained attached with Dr. Rajesh Kumar Midda, who had gone abroad and identified his signatures and handwriting on Ex. PU/1. PW12 Bhagat Singh, Clerk, deposed that Dr. Pawan Kumar and Dr. Subodh Jain were working as house surgeons and identified their signatures on Ex. PK and Ex. PK/1. The evidence led by the prosecution clearly proved that the appellants had committed the offence under Sections 308, 452, 323 and 325 read with Section 34 IPC and they were rightly convicted by the trial Court. Even otherwise, I have carefully gone through the judgment passed by the learned trial Court and find that the same does not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of conviction is ordered to be upheld.

16. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the appellants No. 1, 2 and 4 are facing the agony of trial/appeal since 14.07.2003, i.e., for the last about 23 years. Further, the sentence imposed on appellants No. 1, 2 and 4 was suspended on 07.12.2007 and for the last more 18 years, they have

maintained good conduct and have not misused the concession of suspension of sentence in any manner. Even otherwise, the appellants No. 1, 2 and 4 have undergone more than 04 months of actual custody out of the substantive sentence awarded to them. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed upon the appellants is reduced to the period already undergone by them.

17. In view of the present appeal is partly allowed and the impugned judgment of conviction passed by the trial Court is ordered to be upheld. However, the sentence imposed upon the appellants No. 1, 2 and 4 is ordered to be reduced to the period already undergone by them. Still further, the amount of fine in the present case is enhanced to Rs.35,000/- each, which shall be deposited by the appellants No. 1, 2 and 4 as compensation with the Court of concerned Chief Judicial Magistrate, within a period of two months from today. The amount of fine/compensation shall be paid by the Chief Judicial Magistrate to the injured Jagtar Singh in the present case, after proper verification and against receipt. In case the appellants fails to deposit the amount of fine within a period of two months from today, the present appeal shall stand dismissed automatically.

18. Pending applications, if any, stand also disposed of, accordingly.

07.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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