

2026:PHHC:074124



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206
CRA S-1253-SB-2009 (O&M)
Date of Decision: 12.05.2026

Balbir Singh
Vs.
State of Punjab
...Appellant (s)
...Respondents(s)

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

Present : Mr. A.P.S. Deol, Sr. Advocate with
Mr. Vishal R. Lamba, Advocate and
Mr. Karan Kalia, Advocate
for the appellant.

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

Mr. Prabhdeep Singh Toor, Advocate
for respondent No.2.

N.S.SHEKHAWAT, J. (Oral)

1. The appellant has filed the present appeal against the impugned judgement of conviction and order of sentence dated 27.04.2009 passed by the Court of Additional Sessions Judge, (Adhoc), FTC, Sangrur, whereby, the appellant was held guilty for the commission of offence punishable under Sections 307 of IPC and 27 of the Arms Act and was sentenced as under:-

Name	U/s	Period of sentence
Balbir Singh	307 IPC	He is ordered to undergo R.I. for five years and to pay a fine of Rs.2000/- and in default of payment of fine, he shall further undergo R.I. for a period of two months.
	27 of Arms Act	He is ordered to undergo R.I. for three years and to pay a fine of Rs.1000/- and in default of payment of fine, he shall further undergo R.I. for a period of one month.

2. In brief, the prosecution story is that on 21.05.2008, a *ruqa* was received at 11:00 p.m. from Civil Hospital, Bhawanigarh that Nachattar Singh son of Chanan Singh is admitted in the hospital in injured condition. Then, Inspector alongwith other police officials went to Civil Hospital, Bhawanigarh and moved an application with doctor on duty to know about the fitness of Nachattar Singh, who reported that he has been referred to Rajindra Hospital, Patiala. The MLR of Nachattar Singh was obtained from the doctor, wherein, four injuries were shown to have been caused to Nachhattar Singh with fire arm, which was kept for X-ray opinion. Then Inspector alongwith ASI Joginder Singh, HC Paramjit Singh 648, C-Amandeep Singh No.585, PHG Jolly Dass, riding on official vehicle bearing No. PB-12G-8347 being driven by HC Sarabjit Singh arrived at Rajindra Hospital, Patiala. In the hospital, Inspector moved application with the doctor to know about his fitness, who declared Nachhattar Singh fit to make the statement and accordingly, statement of Nachattar Singh was recorded to the effect that they are four brothers. Mehar Singh is the eldest one. Bhupinder Singh is younger to him and he is younger to Bhupinder Singh and Tehal Singh is youngest to all. They are residing separately. His brother Mehar Singh is residing in his house near Phaguwala crossing. His only son Balbir Singh for the last 8 years is residing separately from his brother, constructing a separate house near Sunam road, Phaguwala crossing. His father Mehar Singh had given him 42 *bighas* of land alongwith Kothi and remaining 25 *bigha* land was kept by Mehar Singh for his maintenance.

3. However, Balbir Singh is not on good terms with his father Mehar Singh. Since, he has love and affection with Mehar Singh, so Balbir Singh got inimical towards him. Yesterday, on 21.05.2008, he alongwith his son Nirmaljit Singh were present in the house of his brother Mehar Singh and were talking with each other. At about 10:00 p.m., when light of the courtyard was on, Balbir Singh, while holding revolver in his hand alongwith his wife Baljinder Kaur and his son Balpreet Singh entered in the house. Balbir Singh started abusing in loud voice. His wife and son were raising *lalkara* on seeing him. On hearing their noise, when he came out of the room, Balbir Singh fired a shot towards him in order to kill him, which hit on his left shoulder and another fire hit on his left thigh. Balbir Singh fired 2/3 more shots, which crossed over him. He raised hue and cry and on hearing this, his son Nirmaljit Singh and brother Mehar Singh also raised hue and cry. In the meantime, accused fled away from the spot. Thereafter, Mehar Singh got him admitted in Civil Hospital, Bhawanigarh, after arranging a vehicle, from where, he was referred to Rajindra Hospital, Patiala, and is getting the treatment.

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

5. During the course of trial, the trial Court found a *prima facie* case under Sections 307 and 459 read with Section 27 of the Arms

Act and the appellant was charge-sheeted accordingly. However, he pleaded not guilty to the charge and claimed trial.

6. In support of it's case, the prosecution examined PW1 Nachhattar Singh, PW2 Nirmaljit Singh, PW3 Dr. K.G.Goyal, PW4 Dr.Kuldeep Singh, PW5 Dr. Gagandeep Chaudhary, PW6 Dr.K.Kalaivanan, PW7 Dr.Parveen Puri, PW8 MHC Mehar Singh, PW9 HC Sarabjit Singh, PW10 Ashwani Sharma, PW11 Balwinder Singh and PW12 Inspector Gurmeet Singh and thereafter, the evidence of the prosecution was closed.

7. After closure of the prosecution evidence, the statement of the appellant under Section 313 Cr.P.C., was recorded, wherein, he denied all the allegations. No evidence was led in defence.

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

9. Learned State counsel submits that the appellant does not deserve the concession regarding sentence and the present appeal be dismissed.

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

11. To prove the offence, the prosecution examined PW1 Nachhattar Singh, complainant/injured, who had supported the case of the prosecution in totality. Further, his testimony was duly supported by the statement of PW2 Nirmaljit Singh. Even both the witnesses were cross-examined at length, however, their testimonies could not be shaken in any manner. PW4 Dr. Kuldeep Singh had medico legally examined Nachhattar Singh on 21.05.2008 and found the following injuries on his person:-

“1. A lacerated wound on left deltoid region on anterior lateral aspect, just 20 cm below left shoulder joint measuring about 0.5 cm x 0.35 cm with inverted margins and blackening present. On probing it is running obliquely downward to posterior aspect of deltoid with blue discoloration but no exit wound is there, but fresh bleeding is present. Advised for X-ray left arm.

2. A lacerated wound on right thigh about 12.5 cm below anterior superior iliacsupin on anterior aspect on upper one third part about 0.45 X 0.35 cm with blacking around and inverted margins and on blunt probing it is running obliquely to middle side of thigh in mid one third part about 0.75 cm x 0.5 cm with fresh bleeding present and everted margins present. Advised for X-ray.

3. A lacerated wound on right side of scrotum, with inverted margins and no blacking is there and on robbing running obliquely to lateral aspect of left side of scrotum with everted margins on measuring about 0.65 cm x 0.35 cm with fresh bleeding present this injury corresponding to injury No.2. Advised for X-ray scrotum region and ultrasound of scrotum.

4. A lacerated wound on middle side of left thigh about 1.65 cm x 0.35 cm with fresh bleeding present it is corresponding to injury No.3. Advised for X-ray left thigh”.

He also proved copy of MLR Ex.PW4/A and pictorial diagram Ex.PW4/B and further proved information sent to the police regarding admission of Nachattar Singh as Ex.PW4/C. He further proved his endorsement Ex.PW4/D made by him on the application moved by police requesting him to know about the fitness of injured, but he reported that the patient Nachhattar Singh has been referred to Rajindra Hospital, Patiala, and further proved that on 29.07.2008 on the application of police, he gave his opinion Ex.PW4/E that the injuries No.2, 3 and 4 on the person of Nachattar Singh are grievous in nature, whereas injury No.1 is simple. On 13.08.2008, on the police application, he again gave opinion Ex.PW4/F that injuries on the person of Nachhattar Singh could endanger to his life.

12. Further, Dr. K.G. Goel was examined as PW3, who supported the testimony of Dr. Kuldeep Singh. Dr. Gagandeep Chaudhary appeared as PW6, who deposed that on 25.05.2008 X-ray examination of Nachhattar Singh was conducted in his presence by Radiographer Rajeshpal and after examination, he gave his report. He did not see any bone injury on X-ray of the right thigh. However, on X-ray of the left thigh, there is a dense radio opaque shadow simulating bullet in the soft issues of the left thigh on middle size with no bone injury seen and similar is his report on x-ray of left arm that there is dense radio opaque shadow simulating bullet in the soft tissues of the

left arm at the junction of middle and lower one third with no bone injury seen and proved his opinion as Ex.PW5/A and x-ray films of Nachattar Singh as Ex.P1 to Ex.P5.

13. PW6 Dr. K. Kalaivanan deposed that on 22.05.2008 he declared the patient Nachhattar singh fit to make statement vide his endorsement Ex.PW6/A. Dr. Parveen Puri, Medical Officer, Department of Orthopadics, Rajindra Hospital, Patiala, was examined as PW7, who deposed that on 21.05.2008 Nachattar Singh was admitted in Emergency Ortho Ward, Rajindra Hospital, Patiala. He medically treated the patient from 21.05.2008 and discharged on 30.05.2008 and proved the bed head ticket of Nachattar Singh as Ex.PW7/A. The prosecution further examined PW12 Gurmeet Singh, Inspector, who had initially conducted the investigation in the present case. Still further, the prosecution had examined PW8 MHC Mehar Singh with regard to the depositing of the case property and sending it to the FSL and Ballistic Expert for taking their opinion. From the evidence led by the prosecution, it was proved that the appellant had committed the offence punishable under Section 307 IPC. Even he was also rightly convicted for the commission of the offence punishable under Section 27 of the Arms Act.

14. Now adverting to the order on quantum of sentence, this court cannot lose sight of the fact that the appellant is facing the prosecution since 22.05.2008, i.e., for the last more than 18 years. At present, the appellant is aged about 49 years and is the sole bread-earner of the family. Even the matter has been amicably resolved between the

parties and a compromise dated 31.01.2022 has been executed between the parties. Still further, the appellant and the injured are uncle and nephew in relation and for the last several years, they are living peacefully. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him.

15. With the above modifications, the present appeal is partly allowed and the impugned judgement of conviction and order of sentence dated 27.04.2009 passed by the Court of Additional Sessions Judge, (Adhoc), FTC, Sangrur, are upheld, whereas, the sentence imposed on the appellant is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

16. The case property, if any, may be dealt with as per the rules.

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

12.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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