



203 (01 case)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2380-SB-2008
Date of Decision:24.03.2026

Rahish and Ors. ...Appellants
Vs.
State of Haryana ...Respondent

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

Present: Mr. Sagar Aggarwal, Advocate,
for the appellants.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

Mr. Sarfraj Hussain,Advocate
for the complainant.

N.S.Shekhawat J.

1. The appellants have filed the present appeal against the impugned judgment of conviction dated 29.11.2008 and order of sentence dated 01.12.2008, passed by the Court of Additional Sessions Judge, Faridabad, whereby the appellants were ordered to be convicted for the offences punishable under Sections 323,324,325 and 326 r/w 149 of IPC and were sentenced as under:-

Under Section 323/149 IPC	R.I for a period of three months and to pay a fine of Rs.500 each, in default of payment of fine, to further undergo RI for a period of 15 days.
Under Section 324/149 IPC	R.I for a period of one and half year and to pay a fine of Rs.1000 each, in default of payment of fine, to further undergo RI for a period of 03 months.
Under Section 325/149 IPC	R.I for a period of three years and to pay a fine of Rs.2000 each, in default of



	payment of fine, to further undergo RI for a period of 03 months.
Under Section 326/149 IPC	R.I for a period of three years and to pay a fine of Rs.2000 each, in default of payment of fine, to further undergo RI for a period of 03 months.

2. During the pendency of the present appeal, appellant no.4 namely Jaleba had expired. Consequently, the appeal qua him stands abated and is ordered to be dismissed.

3. The F.I.R in the present case was registered on the basis of the statement made by Khalil Ahmad, complainant, who stated that he is an agriculturist and resident of Malai. On the night of 15.11.2003 his daughter who was aged about 5 years threw some water in the street which fell on Asri, wife of Rahish. On account of this incident, accused Jaleba came to his house at about 7:00 A.M on 16.11.2003. He was armed with lathi and called the complainant to accompany him. When they reached near the house of Gianu, Rahish who was armed with sword caught him and threw the complainant on the ground. A sword blow was given by him on the complainant’s foot. Accused Jaleba hit him on his back and waist with lathi. Accused Pehlu and Hassin also reached there and accused Pehlu hit him with pharsa on the head and accused Hassin who was armed with lathi hit the complainant on his fingers, feet and knee. Asri also came to the place of occurrence and hit the complainant with brick and stone. Complainant was hit on his stomach and waist. On hearing his cries, he was saved by his wife Saliman and Rahish son of Habib. On account of injuries, complainant had fainted and he was taken to C.H.C, Hathin by his wife and from there, he was referred to B.K. Hospital,



Faridabad. After registration of the FIR investigation was initiated. Statements of witnesses under section 161 Cr.P.C. were recorded. Accused were formally arrested and after completion of investigation, challan/final report under Section 173 Cr.P.C. was presented against the four accused. Accused Asri was summoned to face trial u/s 319 Cr.P.C.

4. Since, the offence was exclusively triable by the Court of Sessions, the case was committed to the Sessions Court by the Area Magistrate.

5. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 323,324,325,307 and 506 r/w Section 149 of IPC was made out against the appellants and they were charge-sheeted accordingly. However, the appellants 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. Khalil Ahmad, complainant as PW-1. Dr. Govind Saran as PW-2, Dr. Subhash Manchanda as PW-3, PW-4 Anoj Kumar, PW-5 ASI Ram Rattan, PW-6 Rahish, PW-7 ASI Dev Vrat, PW-8 HC Rohtash Singh, PW-9 Inspector Ajit Singh and PW-10 Dr. Harmeet Kaur.

7. In the present case, Khalil Ahmad, complainant appeared as PW-1 and supported the case of the prosecution. PW-2 Dr. Govind Saran examined Kahil Ahmad, complainant/injured on 16.11.2003 and found nine injuries on his person. He proved the M.L.R Ex.PB and had also referred the injured to B.K Hospital, Faridabad for further examination. He opined that injuries No.1 and 2 were caused by sharp edged weapon, whereby, injuries No.3 and 9 were caused by blunt weapons. The injured remained admitted at B.K Hospital, Faridabad from 16.11.2003 to 13.12.2003 with diagnosis of head injury with commuted



and compressed fracture temporal region. He also referred to the X-Ray report and as per the X-Ray report, there was a fracture of temporal bone. Injury No.3 was caused by blunt weapon and injury No.1 was the fracture of right tibia bone, which was caused by sharp edged weapon. The CT scan report showed extradural haemmotoma on left side with linear non-depressed fracture of the left temporal bone with no evidence of middle shift subgaleal haemmotoma on left temporal parietal aspect. He further opined that injury No.3 could be dangerous to life if remained untreated. Dr.Subhash Manchanda appeared as PW-3 and proved his X-Ray report. He stated that the complainant was having commuted fracture right leg and fracture clavicle left side and there was a doubtful fracture in temporal bone, for which the CT scan was conducted. As per CT scan, fracture of left temporal bone was detected. He proved on record the X- Ray report as Ex.PC. As per him, the patient was fit to make statement and he exhibited X-Ray films as Ex.P-1 to P-8. PW-4 Anoj Kumar, Draftsman had prepared the scaled site plan Ex.PD. PW-5 ASI Ram Rattan had registered the FIR Ex.PE and sent the case file to the I.O. PW-6 Rahish, an eye witness and supported the case of the complainant, Khalil Ahmad. PW-7 A.S.I Dev Vrat was also I.O of the present case at some stage. H.C Rohtash Singh was examined as PW-8 and he had conducted the investigation of the present case. PW-9 Inspector Ajit Singh had prepared the final report under Section 173 Cr.P.C. Still further, Dr. Harmeet Kaur was examined as PW-10, who had examined Khalil Ahmad, complainant radiologically on 17.11.2003 and she produced her report Ex.PW-10/A. She stated that original record had been lost on account of closure of CT scan centre, where scan was conducted. However, in her cross-examination, she opined that non-depressed fracture in skull may or



may not be fatal and opinion regarding nature of injury could be given by the treating doctor. Further, no surgical intervention was required or done in the present case.

8. 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 and no defence evidence was led by the accused.

9. At the very outset, learned counsel appearing on behalf of the appellants submits 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.

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. From the evidence led by the prosecution, it is apparent that PW-1 Khalil Ahmad had submitted a vivid account of the entire occurrence and had clearly assigned the roles to each of the accused. The prosecution further examined PW-6 Rahish, an eye witness, who fully supported the testimony of PW-1. Both the witnesses were cross-examined at length, during the course of trial. However, their testimonies could not be shattered by the defence in any manner. Moreover, the medical record in the present case was submitted in the shape of testimony of PW-2 Dr. Govind Saran, PW-3 Dr. Subhash Manchanda and PW-10 Dr. Harmeet Kaur. Dr.Govind Saran had proved the MLR as Ex.PB and had proved the nature of injuries as well as the M.L.R was exhibited. PW-3



Dr. Subhash Manchanda had conducted the CT scan and from the CT scan report fracture of left temporal bone was detected along with extra-dural haemmotoma along with subvleal haemmotoma on left temporal pavital portion. He proved on record the X- Ray report as Ex.PC and had given his opinion Ex.PC/1. Similarly, PW-10 Dr. Harmeet Kaur had radiologically examined the injured in the present case and she had proved her report as Ex.PW-10/A. Even, during the course of investigation, the allegations levelled by the complainant were duly substantiated and there was sufficient material to hold the appellants guilty for offences punishable under Sections 323,324,325 and 326 r/w 149 of IPC

12. Now, adverting to the order of sentence in the present case, this Court had noticed that the F.I.R in the present case was registered on 21.11.2003 and the appellants are facing the agony of trial/appeal for the last more than 22 years. Even, from their Custody Certificates, it is apparent that all the appellants are first offenders and were never involved in any criminal activity. Apart from that, the sentence imposed on the appellants was ordered to be suspended by this Court on 30.01.2009 and in the past 16 years, they had maintained good conduct. Still further, the injured in the present case had suffered serious injuries on his person, but he was also discharged several years ago. Consequently, the sentence imposed on appellants is reduced to the period already undergone by them. However, all the appellants i.e appellant No.1 namely Rahish, appellant No.2 namely Pehlu, appellant No.3 Hassin and appellant No.5 Asri are directed to deposit an amount of fine of Rs.75,000/-each which shall be deposited by them with the concerned Chief Judicial Magistrate within a period of six weeks from the date of receipt of certified copy of this



order.

13. In case, the total amount of fine Rs.3,00,000/- is not deposited by them as ordered, the present appeal shall be deemed to be dismissed.

14. The total amount of fine of Rs.3,00,000/- shall be paid to the injured/complainant namely Khalil Ahmad,complainant in the present case as compensation, after receipt and proper identification.

15. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are 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.75,000/- each, which shall be deposited by them with the concerned Chief Judicial Magistrate within a period of six weeks from the date of receipt of certified copy of this order.

(N.S.SHEKHAWAT)
JUDGE

24.03.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No