

2026:PHHC:069642



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRA S-256-SB of 2008

Date of Decision: 29.04.2026

Boota Singh and others

...Appellant (s)

Vs.

The State of Punjab

...Respondent(s)

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

Present : Mr. Rajat Dogra, Advocate and
Mr. Deepdaman 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 25.01.2008 passed by the Court of Additional Sessions Judge, Moga, whereby, the appellants were held guilty for the commission of offences punishable under Sections 148, 326, 325, 324, 323 read with Section 149 of IPC and were sentenced as under:-

"Buta Singh

Under Section 148 IPC, to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for one month.

Under Section 326 IPC, to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.6,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of six months.

Under Section 325/149 IPC, to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months.

Under Section 324/149 IPC, to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month.

Under Section 323 IPC, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Under Section 323/149 IPC, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Jangir Singh

Under Section 148 IPC, to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for one month.

Under Section 323 IPC, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Under Section 326/149 IPC, to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.6,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of six months.

Under Section 325/149 IPC, to undergo rigorous imprisonment for a period of two years and to pay a fine of

Rs.2,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of two months.

Under Section 324/149 IPC, to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month.

Under Section 323/149 IPC, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of fifteen days.

Gursewak Singh

Under Section 148 IPC, to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for one month.

Under Section 325 IPC, to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for two months.

Under Section 326/149 IPC, to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.6,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for six months.

Under Section 324/149 IPC, to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for one month.

Under Section 323/149 IPC, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, and in default of payment of fine, to further

undergo rigorous imprisonment for fifteen days (for causing injury to Charanjit Singh).

Under Section 323/149 IPC, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, and in default of payment of fine, to further undergo rigorous imprisonment for fifteen days (for causing injury to Chamkaur Singh).

Harpal Singh

Under Section 148 IPC, to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for one month.

Under Section 324 IPC, to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for one month.

Under Section 326/149 IPC, to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.6,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for six months.

Under Section 325/149 IPC, to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for two months.

Under Section 323/149 IPC, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, and in default of payment of fine, to further undergo rigorous imprisonment for fifteen days (for causing injuries to Charanjit Singh).

Under Section 323/149 IPC, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, and in default of payment of fine, to further undergo rigorous imprisonment for fifteen days (for causing injuries to Chamkaur Singh).

Bhag Singh

Under Section 148 IPC, to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for one month.

Under Section 324/149 IPC, to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for one month.

Under Section 326/149 IPC, to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.6,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for six months.

Under Section 325/149 IPC, to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for two months.

Under Section 323/149 IPC, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, and in default of payment of fine, to further undergo rigorous imprisonment for fifteen days (for causing injuries to Charanjit Singh).

Under Section 323/149 IPC, to undergo rigorous imprisonment for a period of six months and to pay a fine of Rs.500/-, and in default of payment of fine, to further undergo rigorous imprisonment for fifteen days (for causing injuries to Chamkaur Singh)".

2. The facts of the case are that Charanjit Singh complainant gave his statement to the police on 06.07.2004 alleging that he and his younger brother Chamkaur Singh are agriculturists by profession. On 03.07.2004 in the evening at about 07.45 p.m., he along with his brother Chamkaur Singh were going towards their fields. When they reached in front of the house of Jangir Singh, there Boota Singh armed with *Gandasa*, his brother Gursewak Singh alias Sewak armed with *Kirch*, Harpal Singh armed with *Kirpan* and their father Jangir Singh armed

with *Dang* and Bhag Singh armed with *Kasauli* were standing. On seeing them, Bhag Singh stated that today we will see you. Buta Singh gave *Gandasa* blow on his head. Jangir Singh also gave *Dang* blow on his head, Harpal Singh gave *kirpan* blow which hit on his left ring finger. The complainant raised his hand to save himself. Gursewak Singh gave *Kirch* blow which hit on his left little finger. His brother Chamkaur Singh came forward to save him. Boota Singh gave *Gandasa* blow from reverse side which hit on the left side of his temporal area. He raised an alarm for help. His mother Sukhdev Kaur and sister Jaswinder Kaur reached at the spot and raised alarm not to beat us. People from the neighbourhood also gathered there. The accused persons left the place of occurrence with their respective weapons. A conveyance was arranged. He and his brother were admitted in the hospital. The main reason behind this occurrence was that both the parties are having common well in the fields. They have dug a bore which Jangir Singh & others want to close. The complainant party wants to use their bore. Because of this reason, they are caused injuries.

3. After the presentation of *challan*, the petitioners, namely, Boota Singh, Gursewak Singh @ Sewak and Harpal Singh were charge-sheeted for the offences punishable under Sections 307, 324, 325, 323/34 of IPC, to which, they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined Charanjit Singh as PW1. At this stage, prosecution moved application under Section 319 Cr.P.C., for the summoning of accused namely, Jangir Singh and Bhag Singh. The application filed by the prosecution under

Section 319 Cr.P.C., was allowed vide detailed order dated 14.05.2005 and accused Jangir Singh and Bhag Singh were also summoned to face trial.

5. Again arguments on charge were heard and a *prima facie* case under Sections under Sections 148, 307, 307/149, 324, 324/149, 325, 325/149, 323, 323/149 IPC, was made out against all the appellants. Amended charge sheet was framed against the accused which was read over and explained to them to which they pleaded not guilty and claimed trial.

6. In order to prove its case, prosecution examined PW1 Charanjit Singh complainant-injured, PW2 Dr. G.S.Dhillon Medical Officer, PW3 Dr. Pardeep Kumar, PW4 Chamkaur Singh another injured eye witness and PW5 ASI Gurcharan Singh the investigating officer, and closed prosecution evidence after tendering into evidence copy of *jamabandi* Ex.PQ.

7. After closure of the evidence, the statements of the appellants were recorded under Section 313 Cr.P.C. and they denied all the incriminating evidence put to them and stated that they have been falsely involved in the present case. No evidence was led in defence.

8. 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 judgement of conviction, still, this Court has considered the case on merits.

9. Learned State counsel submits that the appellants do 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. In the present case, Charanjit Singh, complainant, was examined as PW1, who supported the case of the prosecution completely. Chamkaur Singh PW4, brother of the complainant, also supported the statement of Charanjit Singh. Both PW1 Charanjit Singh and PW4 Chamkaur Singh were cross-examined at length, however, nothing material could be elicited from their testimonies, which could prove that they had deposed falsely. Rather, both the witnesses stood by their statements made during the course of investigation and had submitted the exact details of the offence in the present case. PW2 Dr. G.S. Dhillon, Medical Officer had proved the MLR Ex.P3 of Charanjit Singh injured in the present case. Injuries No. 1 and 4 on the person of Charanjit Singh were declared to be grievous. The prosecution further examined PW5, ASI Gurcharan Singh, who proved the investigation in the present case. The prosecution further examined PW4 Chamkaur Singh, injured on the bicycle in the present case. PW5 ASI Gurcharan Singh proved the investigation in the present case. From the evidence led by the prosecution, it was proved that Charanjit Singh had suffered four injuries and injury on the centre of skull and injury on the left little finger were declared to be grievous, whereas two injuries were declared as simple in nature. On the other hand, Harpal Singh

suffered one simple injury whereas Gursewak suffered injury on his right ring finger. Now taking into consideration the number of injuries as well as the nature of injuries it clearly shows that the accused persons were the aggressors who attacked on the the complainant and his brother armed with weapons. Thus, the trial Court had rightly convicted the appellants under Sections 148, 326, 325, 324, 323 read with Section 149 IPC. 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.

12. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the is facing the agony of trial/appeal since 06.07.2004, i.e., for the last more than 21 years. As per custody certificate, Boota Singh appellant No.1 , who is aged about 57 years, has already undergone 02 years and 30 days; Gursewak Singh @ Sewak Singh appellant No. 2, who is aged about 44 years, has already undergone 01 year, 09 months and 20 days; Harpal Singh, appellant No.3, who is aged about 42 years, has already undergone 01 year, 09 months and 20 days; Jangir Singh, appellant No.4, who is aged about 89 years, has already undergone 03 months and 29 days and Bhag Singh, appellant No.5, who is aged about 67 years, has already undergone 03 months and 07 days out of maximum sentence of five years. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the appellants is reduced to the period already undergone by them.

13. With the above modifications, the present revision petition is partly allowed and the impugned judgement of conviction and order of sentence dated 25.01.2008 passed by the Court of Additional Sessions Judge, Moga, is upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them. However, the sentence of fine will remain the same.

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

29.04.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No