

CRA-S No.2238-SB of 2004 (O&M) &
CRA-S No.2505-SB of 2004 (O&M)

1

2026.PHHC.065167



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S No.2238-SB of 2004 (O&M)
Reserved on: 17.02.2026
Pronounced on: 28.04.2026**

Jarnail Singh alias Jaila

.....Appellant

Versus

State of Punjab

..... Respondent

**CRA-S No.2505-SB of 2004 (O&M)
Reserved on: 17.02.2026**

Rakesh Kumar and another

.....Appellants

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Lakshay Bector, Advocate for the appellants.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

Since the issue involved in both the appeals is identical, both the appeals are being disposed of vide instant common order and judgment.

2. The above mentioned appeals have been preferred by the convicts/appellants, hereinafter being referred to as 'appellants' only, in the backdrop of a judgment of conviction and order of sentence dated 03.11.2004, rendered by learned Additional Sessions Judge (ad hoc), Fast Track Court



Ludhiana. The above mentioned judgment was passed in a trial conducted by the above mentioned Court for the commission of offence punishable under Sections 307, 379 and 34 Indian Penal Code, hereinafter being referred to as ‘IPC’ only.

3. In nut-shell the facts emerging from record are that, that for the commission of aforesaid offence the FIR No. 144, dated 10.10.2000 was lodged in Police Station Bati Jodhewal. Pursuant to above mentioned FIR when the investigation was complete, all the three appellants were sent to face trial for the commission of above mentioned offence. The above mentioned trial culminated into conviction of the appellants and they were sentenced to undergo imprisonment as under:-

Rakesh Kumar	Under Section 307 IPC	Rigorous imprisonment for a period of seven years	Fine of Rs.1000/-	In default of payment of fine to undergo rigorous imprisonment for one month
	Under Section 307/34 IPC	Rigorous imprisonment for a period of seven years	Fine of Rs.500/-	In default of payment of fine to undergo rigorous imprisonment for fifteen days
Jarnail Singh	Under Section 307 IPC	Rigorous imprisonment for a period of seven years	Fine of Rs.1000/-	In default of payment of fine to undergo rigorous imprisonment for one month



	Under Section 307/34 IPC	Rigorous imprisonment for a period of seven years	Fine of Rs.500/-	In default of payment of fine to undergo rigorous imprisonment for fifteen days
Ram Paul	Under Section 307/34 IPC	Rigorous imprisonment for a period of seven years	Fine of Rs.500/-	In default of payment of fine to undergo rigorous imprisonment for fifteen days

4. Heard.
5. It has been contended on behalf of appellants that the impugned judgment of conviction as well as order of sentence are against the fact as well as law, and that the learned trial Court, merely, on the basis of assumptions and presumptions has recorded a finding of conviction against the appellants. As per learned counsel for the appellants the evidence adduced by the appellants was contradictory, discrepant and inadequate to prove charge for the commission of above offence under Sections 379 and 307 and 34 of IPC, against the appellants. The learned counsel for the appellants has also contended that in order to prove charge against the appellants, the prosecution was supposed to lead evidence which could have been sufficient to prove the allegations, contained in the charge, beyond the shadow of all reasonable doubts, but the evidence was so inconsistent and deficient that it had failed to meet the standard prescribed under the law. In view of above, the learned



counsel for the appellants has sought for the indulgence and interference in the impugned verdict. The learned counsel for the appellants has urged that by exercising the appellate jurisdiction the present appeals be accepted and the impugned order be set-aside.

6. In the alternative the learned counsel for the appellants has contended that in the present case, if the appeals preferred by the appellants with regard to judgment of conviction do not find favour of this Court, the quantum of sentence awarded to the appellants may be reduced to the period already undergone by them. According to learned counsel for the appellants two appellants namely 'Rakesh Kumar' and 'Jarnail Singh' have already undergone imprisonment for a period of more than two years in this case, whereas the third appellant namely 'Ram Paul' has already undergone imprisonment for a period of more than five months. The learned counsel for the appellants has further contended that the offence was committed way back in the year 2000, i.e. 26 years ago, and since then the appellants have clean record. In, view of above, the learned counsel for the appellants has requested that the period of sentence already undergone, is sufficient to meet the ends of justice.

7. The learned State counsel has controverted the above mentioned arguments. It has been contended by learned State counsel that in the present case there are very specific and categorical allegations, duly supported with reliable evidence, qua the fact that the offence punishable under Sections 307 and 34 IP was committed by the appellants. The learned State counsel, while



defending the impugned judgment of conviction as well as order on the quantum of sentence, has contended that there is no scope for indulgence or interference either in the impugned judgment of conviction or in the order on the quantum of sentence. As per learned State counsel the present appeals are devoid of merits and deserve dismissal.

8. The record has been perused carefully.

9. A careful perusal of the record shows that FIR of this case came into being at the instance of 'Parveen Kumar', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 08.10.2000, at about 7.15 P.M. when he was going to his home, in front of the house of Shukla, the appellants 'Rakesh Kumar' called him and when he stopped in response to above mentioned call, he found that the appellants 'Ram Paul', 'Rakesh Kumar' and 'Jarnail Singh' were walking towards him. As per complainant 'Rakesh' and 'Jarnail' were carrying daggers in their hands, and they assaulted him, whereas 'Ram Paul' took him into his grip and then 'Rakesh Kumar' and 'Jarnail Singh' inflicted injuries with the help of daggers. According to complainant when he screamed for help, 'Maya Ram' arrived at the spot and rescued him from the clutches of assailants. As per complainant, thereafter, all the assailants fled from the spot, but while leaving, forcibly took away Rs.18,500/- from the pocket of complainant.

10. As per the case set-out by the prosecution, pursuant to above mentioned statement formal FIR of this case was lodged, initially for the commission of offence punishable under Sections 324, 379 and 34 IPC, and



subsequently, on receipt of information of Medical Officer regarding nature of injuries, Section 307 IPC was added. As per prosecution on completion of investigation the final report was filed against three accused namely 'Rakesh', 'Jarnail Singh' and 'Amit Kumar', and the trial commenced against them, however, during the course of trial the learned trial Court in the exercise of its jurisdiction under Section 319 Cr.P.C. summoned the appellant 'Ram Paul' as 4th accused, and he was asked to face trial. It shall not be out of place to mention here that during the course of trial at the stage of recording of statement of accused under Section 313 Cr.P.C, it was observed by the learned trial Court that there was no incriminating evidence against the accused 'Amit Kumar', and therefore, vide separate judgment dated 24.03.2004 he was acquitted, of the charges by the learned trial Court. Thus, the impugned judgment was qua three accused, only.

11. To prove charges against the appellants as many as nine witnesses were examined by the prosecution. They were as under:

12. PW1, the complainant Parveen Kumar. The PW-1 in his statement narrated the events as they occurred and proved his statement, recorded by ASI Dalip Singh, as Ex. PA.

13. PW2, Maya Ram stated that on 8.10.2000 at about 10 PM he was present at his house situated in Mohalla Sat Kartar nagar, Tibba Road Ludhiana. As per PW-2, Parveen Kumar, the complainant, had come to his residence and he stayed with him for about 10 minutes and then left for his house. He further deposed that on hearing some noise from outside he came



out of his house and found that Rakesh Kumar, the accused, was present there, and that Parveen Kumar had already suffered injuries on his person. He further deposed that the accused Rakesh Kumar was not having any weapon and he could not see any other person present there as they had already fled from the spot. The PW-2 was declared hostile, by the learned public prosecutor, and was confronted with the contents of his statement recorded u/s 161 Cr.P.C. But he denied having made any such statement.

14. PW3, SI Dilbag Singh, testified about the arrest of accused Amit Kumar on 14.12.2000 and proved the personal search memo Ex. PW3/1 and information memo Ex. PW3/2. He further testified about the arrest of accused Jarnail Singh on 18.12.2000 and proved personal search memo Ex. PW3/3. He also deposed that during investigation he got prepared the scaled plan of the place of occurrence from Harminder Singh.

15. PW4 SI Surjit Singh deposed that on 10.10.2000 he had recorded the formal FIR in this case, Ex. PW4/1.

16. PW5 Dr. Mark Pecock testified about the admission of Parveen Kumar in CMC hospital Ludhiana on 8.10.2000, with the alleged history of having sustained stab injury on the left side of chest and abdomen about 30 minutes prior to the admission. He deposed that on medical examination he found penetration wound on the left side of chest and laceration on the left side of abdomen/flank region. The PW-5 further deposed that he referred the patient to general surgery and cardiothoracic unit for further management. He proved memo Ex. PW5/1 vide which he had sent the information to SHO police



station Division No. 3 Ludhiana and further stated that at the time of admission of the injured in casualty his condition was serious. The PW-5 also proved the bed-head ticket Ex. PW5/2 and his findings Ex. PW5/3. As per PW-5 the injured remained in the hospital from 8.10.2000 to 17.10.2000, and that during the abovesaid period he was operated upon by the team of doctors consisting of Dr. Michle, Dr. Robin, Dr. Levi, Dr. Deepak and Dr. Gladwin. By identifying the writing and signatures of all the doctors except of Dr. Gladwin, he proved the operation notes, as Ex. PW5/4.

17. PW-5 further stated that on 12.11.2000 Parveen Kumar again came to the hospital and was admitted with history of pain in the abdomen and he remained admitted till 16.11.2000. His statement is also to the effect that on 10.1.2001 Parveen Kumar was admitted in the hospital with a history of pain in the abdomen for a day and he was operated upon in the hospital on 11.1.2001. The PW-5 proved the operation notes Ex. PW5/5 and stated that the patient was discharged on 20.1.2001.

18. PW-6 Stephen-M proved the medical record of Parveen Kumar, bearing unit No. C-480848 as PW6/1 and stated that vide opinion Ex. PW6/2 Dr. Levy Mark on 10.10.2000, declared the patient medically fit to make his statement.

19. PW-7 Vijay Kumar stated that on 8.10.2000 after the acceptance of bid, a sum of Rs. 18500/- was disbursed to Parveen Kumar who was one of the twenty members of the committee formed by them. He further stated that he had been maintaining the regular account of the committee. The book of the



account was proved by him as Ex. PW7/2 and he further stated that it was taken into possession by the police, vide memo Ex. PW7/1. The PW-7 had identified his signatures on the same.

20. PW8 ASI Dalip Singh stated that on 8.10.2000 on receipt of wireless message, he went to CMC hospital Ludhiana and on his application Ex. PW8/1 the doctor, vide endorsement Ex. PW8/2, had declared Parveen Kumar unfit to make the statement. He further stated that on 9.10.2000 he again visited CMC hospital Ludhiana and on his application, Ex. PW8/3, the doctor vide his opinion Ex. PW8/4 declared Parveen Kumar to be unfit to make the statement.

21. The statement of PW-8 was also to the effect that on 10.10.2000 he again visited CMC hospital and on his application Ex. PW8/5, the doctor, vide opinion Ex. PW6/2, declared Parveen Kumar to be fit to make the statement and thereafter he recorded his statement, as Ex. PA. The PW-8 proved his endorsement Ex. PW8/6 & PW8/7, and stated that the statement was sent to police station through Constable Tarsem Lal on the basis of which FIR Ex. PW4/1 was recorded by Surjit Singh. The PW-8 further proved the site plan, as Ex. PWB/8, and stated that on an application, Ex. PW8/9, the doctor on the basis of injury report, mark PW9/10, vide his opinion Ex. PW8/11 declared all the three injuries to be dangerous to life. He further stated about the arrest of the accused Rakesh Kumar and his interrogation which led to the disclosure statement of Rakesh Kumar, Ex. PW8/12.

22. The PW-8 further stated that on the basis of above mentioned



disclosure statement the accused got recovered Dagger, Ex. P1, from the disclosed place which was seized vide memo Ex. PW8/13, after preparing its sketch Ex. PW8/14. He also proved the personal search memo of Rakesh Kumar, as Ex. PW8/15, Ex. PW8/16, and the information memo as Ex. PW8/17. He further testified about the preparation of recovery memo Ex. PW7/1, vide which the account book was taken into possession.

23. PW9 E. Rai Singh, Chief Medical Record Officer CMC hospital Ludhiana, by identifying the signature of Dr. Levy Mark proved the copy of MLR Ex. PW9/1 and pictorial diagram as Ex. PW9/2. He further identified the signature of Dr. Levy Mark on the endorsement, as Ex. PW9/3.

24. PW10 SI Raj Balwinder Singh testified about the apprehension of accused Rakesh Kumar on 17.10.2000 and his interrogation which led to the suffering of disclosure statement Ex. PW8/12. He further deposed about the recovery of Churra and testified about the preparation of the various recovery memos, already proved by ASI Dalip Singh. The PW-10 further proved rough site plan of the place of recovery, as Ex. PW10/1, and personal search memo Ex. PW10/2. He further stated about the preparation of recovery memo Ex. PW7/1, vide which the copy of account-book was taken into possession.

25. Believing the above mentioned evidence the finding of conviction has been returned by the learned trial Court.

26. I have carefully gone through the record and considered the arguments addressed by the learned counsel for the appellants as well as the learned State counsel.



27. The learned trial Court while recording the impugned judgment had framed three points for consideration. Those points were:

1. *Whether on 08.10.2000 at about 7.15 P.M in the area of Sat Kartar nagar Basti Jodhewal Ludhiana accused Rakesh Kumar and Jarnail Singh with common intention of their co-accused Ram Paul caused injury on the person of Parveen Kumar?*
2. *Whether the injuries were caused with such intention and under such circumstance that if any that act they would have caused death of Parveen Kumar they could have been guilty of murder?*
3. *Whether they all committed theft of Rs.18,500/- by taking the same from the possession of Parveen Kumar without his consent?*

28. In its verdict the learned trial Court decided the points No.1 and 2 in favour of prosecution, whereas the point No.3 was declined.

29. The evidence adduced by the prosecution has been thoroughly analysed. A careful perusal of the evidence adduced by the prosecution shows that to provide support and corroboration to the prosecution case qua the fact that an attack with sharp edged weapon, i.e. daggers, was launched upon the complainant, the prosecution had examined the complainant/injured Parveen Kumar as PW-1. The PW-1 in his testimony duly corroborated the prosecution version by reproducing the allegations, as contained in the FIR. Thus he



supported the prosecution case in all material particulars.

30. To provide support and corroboration to the above mentioned testimony of PW-1, the prosecution had examined eye-witness of the occurrence namely 'Maya Ram' as PW-2. The PW-2 in his testimony supported the prosecution case by deposing the fact that on 08.10.2000 at about 10 P.M. when he was present at his home, he heard commotion near his residence and when he reached there he found that injuries were inflicted on the person of Parveen by the appellant-Rakesh Kumar, who was present there. However, as per PW-2 he could not see other accused and that at the time of his arrival there was no weapon in the hand of Rakesh.

31. To provide support and corroboration to the above discussed eye-witness account, the prosecution had examined the Medical Officer, who conducted Medical examination of the injured. He was Dr. Mark Pecock, examined as PW-5. The PW-5 deposed that on 08.10.2000 the complainant Parveen Kumar was admitted in the hospital with the alleged history of stab injury 30 minutes prior to admission. He further deposed that he had examined the above named injured and found that there was a penetrated wound on the left side of the chest and laceration on left side of abdomen/flank region. According to PW-5 the above named injured was referred for general surgery and cardiothoracic unit, for further management. The PW-5 had duly proved the memo as Ex.PW5/1, bed head ticket as PW5/2 and his finding as Ex.PW5/3. It was also stated by the PW-5 that the complainant/injured Parveen remained admitted in the hospital till 17.10.2000, and that he had



undergone surgery, by a unit comprised of doctors comprised of Dr. Michle, Dr. Robin, Dr. Levy, Dr. Deepak and Dr. Gladwin. The operation notes were proved by the PW-5, as Ex.PW5/4.

32. In order to provide support and corroboration to the testimony of PW-5 one more witness, i.e. PW-6, was examined by the prosecution. The PW-6 had proved the opinion of Dr. Levy Mark dated 10.10.2000 and medical record of the injured, as Ex.PW6-1.

33. To provide support to the above mentioned eye-witness account and medical evidence, one private witness Vijay Kumar, too, was examined by the prosecution as PW-7. The PW-7 supported the prosecution case to the effect that on the day of incident he had given Rs.18,500/- to the complainant. However, the PW-7 had not deposed anything about the snatching/theft of above mentioned money from the complainant.

34. Several police officials, too, were examined by the prosecution. Amongst them the PW-4 was a formal witness who lodged the FIR Ex.PW4/1. The PW-4 proved the above mentioned fact. Another police officials Sub Inspector Dilbag Singh was examined as PW-3. He proved the fact that on 14.12.2000 accused Amit Kumar and on 18.12.2000 accused/appellant Jarnail were arrested.

35. The Investigating Officer of the case was, ASI Dalip Kumar, examined by the prosecution as PW-8. The PW-8 deposed that the investigation of the case was conducted by him. In his testimony he provided support to the prosecution case by proving various steps taken by him during



the course of investigation.

36. In the present case a part of the investigation was conducted by Sub Inspector Balwinder Singh. He was examined as PW-10. The PW-10 proved the steps taken by him during the course of investigation.

37. As far as the above mentioned evidence adduced by the prosecution is concerned the same is thoroughly consistent qua the fact that on 08.10.2000 injuries with the help of sharp edged weapon, i.e. dagger, were inflicted on the person of Parveen Kumar, and that at the time of above mentioned incident the appellant Ram Paul was present and he had actively participated in the commission of offence, by taking the complainant into his grip, and thereby facilitating injuries on the person of Parveen Kumar, by other two appellants, namely Jarnail and Rakesh.

38. Since the above mentioned evidence adduced by the prosecution is thoroughly consistent and all the witnesses examined by the prosecution successfully faced the test of cross-examination, it is hereby held that on the basis of above mentioned evidence the prosecution successfully proved the case beyond the shadow of all reasonable doubts. It has been successful in proving that with the intention to kill the complainant, Parveen Kumar, injuries with sharp edged weapon were inflicted on his person by all the three appellants. Thus, it is hereby observed that no error of judgment, either of facts or of law, has been committed by the learned trial Court, while holding that the appellants were responsible for causing injuries with an intention to commit his murder on 08.10.2000 at about 7.15 P.M.



39. In view of above, it is hereby observed that a right conclusion has been drawn by the learned trial Court, while recording a finding of conviction for the commission of offence punishable under Section 307 IPC. Thus, it is hereby observed that there is no scope for interference in the above mentioned findings returned by the learned trial Court. Accordingly, the finding of conviction recorded by the learned trial Court is hereby upheld.

40. With regard to order on quantum of sentence it is relevant to note here that the factual matrix of the instant case goes to show that the incident in question had taken place more than 25 years ago and there is nothing on record to show that in the last 25 years the appellants have indulged in any kind of other criminal activity. It is also relevant to note here that the appellants are facing the agony of trial for the last more than 25 years and the appellants Jarnail Singh and Rakesh Kumar have already undergone imprisonment for a period of more than two years in the present case. In addition to above, it is also relevant to mention here that the story set-out by the prosecution attributes a smaller role to the appellant Ram Paul, as he was not carrying any weapon at the time of commission of offence, and helped the other co-accused in inflicting injuries on the person of complainant. The appellant Ram Paul, too, has undergone sentence for a period of almost five and half months.

41. In view of above mentioned mitigating circumstances, in my considered opinion the period of sentence already undergone by the appellants is sufficient to meet the ends of justice. Thus, the instant appeals are hereby partly allowed, qua the order on quantum of sentence, and the appellants are



hereby directed to undergo imprisonment, for the commission of offence under Section 307& 307/34 IPC, for the period they have already undergone in the present case.

42. As a sequel to above mentioned observations the present appeals with regard to judgment of conviction are hereby dismissed. However, with regard to quantum of sentence the same are hereby **partly allowed** and the quantum of sentence, awarded to the appellants, is hereby modified and the appellant(s) are sentenced to undergo imprisonment for the period already undergone by them in the present case.

Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

28.04.2026
Manoj Bhutani

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