

2026:PHHC:073684



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

228

CRA S-535-SB-2007

Date of Decision: 06.05.2026

Gurjant Singh and others

...Appellant (s)

Vs.

State of Punjab

...Respondents(s)

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

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

Mr. Charanpreet Singh, AAG, Punjab.

Mr. Kuldeep V. Singh, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement of conviction and order of sentence dated 26.02.2007 passed by the Court of Sessions Judge, Mansa, whereby, Gurjant Singh, appellant No.1 was convicted under Section 324 IPC, whereas Labh Singh and Karam Singh appellants No.2 and 3 were convicted under Section 324 read with Section 34 IPC. Karam Singh, appellant No.3 was further convicted under Section 324 IPC, whereas Gurjant Singh and Labh Singh appellants No. 1 and 2 were convicted under Section 324 read with Section 34 IPC. Labh Singh appellant No.2 was also convicted under Section 325 IPC, whereas Gurjant Singh appellant No.1 and Karam Singh appellant No.3 were convicted under Section 325 read with Section 34 IPC. Labh Singh appellant No.2 was

further convicted under Section 323 IPC, whereas Gurjant Singh appellant No.1 and Karam Singh appellant No.3 were convicted under Section 323 read with Section 34 IPC. All the appellants were also convicted under Section 452 IPC. The appellants were sentenced as under:-

<i>Convict</i>	<i>Offence</i>	<i>Sentence</i>
Gurjant Singh	Section 324 IPC	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>
	Section 324 read with Section 34 IPC	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>
	Section 325 read with Section 34 IPC	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>
	Section 323 read with Section 34 IPC	<i>Rigorous Imprisonment for six months.</i>
	Section 452 IPC	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>
Labh Singh	Section 325 IPC	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>
	Section 324 read with Section 34 IPC	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>
	Section 324 read with Section 34 IPC	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>
	Section 323 IPC	<i>Rigorous imprisonment for six months.</i>
	Section 452 IPC	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for</i>

<i>Convict</i>	<i>Offence</i>	<i>Sentence</i>
		<i>two months.</i>
<i>Karam Singh</i>	<i>Section 324 read with Section 34 IPC</i>	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>
	<i>Section 324 IPC</i>	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>
	<i>Section 325 read with Section 34 IPC</i>	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>
	<i>Section 323 read with Section 34 IPC</i>	<i>Rigorous imprisonment for six months.</i>
	<i>Section 452 IPC</i>	<i>Rigorous Imprisonment for two years and fine of Rs.1,000/-. In default of payment of fine, to further undergo rigorous imprisonment for two months.</i>

2. During the pendency of the present appeal, Gurjant Singh, appellant No. 1 and Labh Singh appellant No.2, have expired and appeal qua them already stood abated.
3. The FIR in the present case was registered on the basis of the statement made by Gurtej Singh son of Hakam Singh complainant, a the neighbourer of the accused. There was heavy down pour on the night of 20/21.07.2003, as a result of which the wall of the house of Labh Singh accused abutting the street had fallen. When Gurtej Singh went out in the street at about 06.00 a.m. on 21.07.2003, he found the water having stagnated in the street with the debris of the fallen wall. Gurtej Singh then started removing the bricks of the fallen wall from the street towards the house of accused for cleaning the excess water by which the street was inundated. In the meanwhile, Labh Singh accused and his son

Gurjant Singh came out of the house and started abusing Gurtej Singh and blamed him for having demolished the outer wall of their house. Gurtej Singh replied that the wall has fallen, because of the heavy rains and he was just clearing the street by throwing the bricks towards their house. Both these accused came in the street and started abusing the complainant that his brother, also named Gurjant Singh, came out of the house and tried to make the accused understand. There was an exchange of the abuses between the parties. Labh Singh remarked that Gurtej Singh and his brother should not be spared, who rushed inside the house to save themselves. Thereafter, Gurjant Singh accused armed with *Gandasa*, Kala Singh his brother armed with Dang, Labh Singh accused armed with a Dang and Karam Singh their uncle armed with a '*Fawra*' entered the house of the complainant and Gurjant Singh inflicted the *Gandasa* blow on the head of Gurtej Singh with an intention to kill him and Karam Singh also inflicted another blow with the '*Fawra*' on the head of Gurtej Singh. Labh Singh accused inflicted Dang blow on the right elbow of Gurtej Singh and other blow on his right flank. When Gurtej Singh tried to enter the room for saving himself that Kala Singh accused inflicted two Dang blows on his back. Gurjant Singh PW and Manjit Kaur their sister-in-law raised the alarm that the accused fled from there with the respective weapons. The injured was taken to the Civil Hospital, Budhlada by arranging a vehicle. Medicolegal examination was conducted by the doctor and the patient was then referred to the Civil Hospital, Mansa, for further treatment. Gurtej Singh also stated in the version recorded by Paramjit Singh SI of Police

Station, Boha, Ex.PA, that in the occurrence some injuries may have been inflicted on the person of the accused.

4. After the necessary investigation, the *challan* was presented before the Court of Judicial Magistrate First Class, Mansa. Since the offences are 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 that a *prima facie* case under Sections 452, 307, 325, 324, 323 read with Section 34 of the 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 PW-1 Gurtej Singh, PW-2 Manjit Kaur, PW-3 Dr. Kashmir Singh, PW-4 Dr. Ashok Kansal, PW-5 Dr. Vijay Kumar Singla, PW-6 HC Nachhattar Singh, PW-7 HC Gurtej Singh and PW-8 SI Paramjit Singh and, thereafter, the evidence of the prosecution was closed.

7. In their statement under Section 313 Cr.P.C., the appellants denied all the allegations levelled against them and pleaded that they had been falsely involved. No evidence was led in defence.

8. At the very outset, learned counsel for the appellant No.3 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 conviction, still, this Court has considered the case on merits.

9. Learned State counsel submits that the appellant No.1 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. In the present case, the prosecution case was proved by PW1 Gurtej Singh and his testimony was supported by Manjit Kaur PW2 and other eyewitnesses. Still further, the prosecution examined PW8 SI Paramjit Singh, who had conducted the investigation. In the present case, PW7 HC Gurtej Singh and PW6 HC Nachhattar Singh were also part of the investigation in the present case. The prosecution examined. Dr. Kashmir Singh, PW-3, of the Civil Hospital, Budhlada, conducted the medico-legal examination on the person of Gurtej Singh at 07.20 a.m. on 21.07.2003 and found the following injuries on his person :-

“(1) An incised wound 7.00 cm x 1.0 cm on the right side of scalp, 10 cm above mastoid process, deep up to bone. Advised for X-ray. Bleeding was present.

(2) An incised wound 10 cm x 1.0 cm on left parietal region of scalp, deep up to bone, 7 cm above orbital region, bleeding was present. X-ray was advised.

(3) Diffuse swelling on posterior aspect of right elbow joint, red in colour. X-ray was advised”.

From the above referred evidence led by the prosecution, the prosecution had been able to prove the offences under Sections 323, 325 and 452 IPC against the appellants.

12. Now adverting to the order of quantum of sentence, this Court has noticed that the appellant No.3 is facing prosecution since 21.07.2003, i.e., for the last more than 22 years. Even, he has undergone 29 days of actual custody out of the total sentence awarded to him, as per custody certificate. Furthermore, the sentence of the appellant No.3 was suspended on 13.03.2007 and he has remained on bail for the last about 19 years without any misuse of the concession of bail. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him. Still further, the amount of fine in the present case is enhanced to Rs.50,000/-, which shall be deposited by the appellant No.3 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 legal representatives of Gurtej Singh, injured (now he is stated to have died), in the present case, after proper verification and against receipt. In case the appellant No.1 fails to deposit the amount of fine within a period of two months from today, the present appeal shall stand dismissed automatically.

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

06.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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