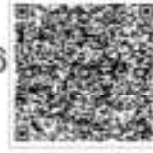


2026.PHHC.048106



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

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CRA S-1188-SB-2006

Date of Decision: 25.03.2026

Sultan and another

...Appellants (s)

Vs.

State of Haryana

...Respondent(s)

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

Present : Ms. Gurneet Sagoo, Amicus Curiae, for the appellants.

Mr. Jai Bhagwan Sharma, Advocate, for the appellants.

Mr. Rajive Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement of conviction dated 14.06.2006 and order of sentence dated 15.06.2006 passed by the Court of Additional Sessions Judge, Jind, whereby, the appellants were held guilty for the commission of offence punishable under Sections 323, 307 and 34 IPC. Appellant Gulam Mohammad was convicted under Section 307 IPC and sentenced to undergo rigorous imprisonment for a period of 04 years along with a fine of Rs.4,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of six months. Appellant Sultan was convicted under Section 307 read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of 02 years along with a fine of Rs.1,000/-. Both the appellants were further convicted under Section 323 read with Section 34 IPC and sentenced to undergo rigorous

imprisonment for a period of 06 months, and under Section 506 IPC they were sentenced to undergo rigorous imprisonment for a period of 01 year each along with a fine of Rs.1,000/- each, and in default of payment of fine, to further undergo rigorous imprisonment for a period of one month.

2. The facts in brief of the case of prosecution are that the complainant Sumer Singh alongwith his nephew Anoop Singh on 19.8.2003 at about 05/05.30 a.m., had gone for morning walk but on returning when they reached near the house of Sultan Singh son of Amardin, Caste Luhar then accused Kuldeep and Jagdeep sons of Sultan Singh started beating to his nephew Anoop Singh then he intervened and rescued him from the grip of accused Kuldeep and Jagdeep and separated them. Thereafter, they came to their house but in the meanwhile accused Kuldeep, Jagdeep armed with *jally* and *darat* respectively came in front of their house. At the same time accused Gulam Mohammad armed with *Bhala* and accused Sultan armed with *lathi* also came there and alarmed that complainant and his nephew should not be spared and in the meantime accused Gulam Mohammad gave one blow of *Bhala* to complainant on his chest whereas Sultan gave blow of *danda* on his head and Kuldeep gave *jailly* blow on the side of forehead while accused Sultan gave a *lathi* blow on his left hand. Thereafter, due to injuries he (complainant) fell down and also raised rescue calls then his nephew Anoop intervened and tried to rescue the complainant from the clutches of the accused, in the meantime his wife Meena, sister-in-law Chhoto also came there and tried to rescue the

complainant then accused also caused injuries to them and at the same time Parveen and other persons of the locality after hearing rescue calls came there and rescued the complainant and others from the grip of the accused. Thus, on the statement of complainant, the case under Sections 323, 324, 506 read with Section 34 of the Indian Penal Code has been registered.

3. After the presentation of *challan*, the appellants were charge-sheeted for the offences punishable under Sections 307, 323 read with Section 34 IPC and Section 506 of IPC, to which they pleaded not guilty and claimed trial.

4. In support of its case the prosecution examined PW1 Yusuf, PW2 Sumer Singh, PW3 Dr. R.S. Tanwar, PW4 Dr. Dhan Kumar, PW5 HC Attar Singh, PW6 HC Ishwar Singh, PW7 Dr. Lalita Sangwan, PW8 S.I. Ram Kumar, PW9 Ramesh Kumar Patwari, PW10 ASI Dharamvir and PW11 Dr. Yogesh Jain. Besides this, the prosecution has also tendered certain documents in evidence and closed the evidence.

5. After closure of evidence of the prosecution, the statements of the appellants under Section 313 of the Cr.P.C. were recorded, in which they denied all the prosecution allegations, pleaded innocence and false implication. In defence, the petitioners tendered Ex.DA and Ex.DB.

6. At the very outset, learned counsel for the appellants submits that he does not wish to challenge the judgments of conviction passed against the appellants by 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 judgment of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the appellants do not deserve the concession regarding sentence and the present appeal appeal be dismissed.

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

9. In the present case, the appellants as well as the complainant side have been challaned in cross cases. The case of the prosecution is based on the testimony of PW1 Yusuf, who supported the case of the prosecution. Even, he clearly stated that the appellants had caused injuries to his maternal uncle Sumer Singh, while he was lying on the ground. He and his aunts Meena and Chhoto tried to rescue the injured and at that time the appellants also caused injuries to them with their respective weapons. They also lifted the injured and got him admitted in the hospital. Even, the prosecution examined Dr. R.S. Tanwar, who medico legally examined the complainant and others. He had not only proved the injuries but had also rendered his opinion with regard to the nature of injuries suffered by the injured in the present case. Still further, Sumer Singh was admitted in the hospital and he had explained the injuries suffered by him. PW10 ASI Dharamvir also supported the case of the prosecution. Consequently, it was apparent that there was sufficient evidence to show that both the appellants had actively participated in the commission of the crime and had caused injuries to Sumer Singh. Even otherwise, I have carefully gone through

the impugned judgment of conviction and found that the appellants were rightly convicted for the offenses punishable under Sections 323, 307 read with Section 34 IPC and Section 506 IPC.

10. Now, advertent to the order of sentence, learned counsel for the appellants has vehemently argued that in the present case, the appellants are facing the agony of trial/appeal since 19.08.2003, i.e., for the last more than 22 years. Even in the occurrence, both the sides had suffered injuries. Still further, the appellant No. 1 has undergone more than 01 month and 24 days of actual custody, whereas the appellant No.2 has undergone more than 8 months of actual custody. Consequently, keeping in view the mitigating circumstances of the present case, this Court is of the considered opinion that a lenient view can be taken while imposing sentence on the appellants and the sentence imposed on the appellants is reduced to the period already undergone by them.

12. With the above modifications, the present appeal is partly allowed and the impugned judgement of conviction dated 14.06.2006 and order of sentence dated 15.06.2006 passed by the Court of Additional Sessions Judge, Jind, is upheld, whereas, the sentence imposed on the appellants is reduced to the period already undergone by them. However, the amount of fine imposed on them shall remain same.

13. This Court records its appreciation for Ms. Gurneet Sagoo, learned Amicus Curiae, who has rendered able assistance to the Court on behalf of the appellants. Her fee is assessed Rs. 20,000/-, which shall be paid by the Secretary, High Court Legal Services Committee.

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

25.03.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No