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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2459-SB-2004

DARIYAO AND ANOTHER Appellants

Versus

STATE OF HARYANA Respondent

1.	Judgment reserved on	11.11.2025
2.	Judgment pronounced on	10.02.2026
3.	Judgment uploaded on	12.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	FULL
5.	The delay, if any of the pronouncement is full judgment and reason thereof.	NA

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by : Mr. Ketan Antil, Advocate
for the appellants.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

YASHVIR SINGH RATHOR, J. (Oral)

1. The appeal has been instituted by the appellants against the judgment dated 24.11.2004 vide which appellant Dariyo Singh has been held guilty and convicted for the offence under Section 324 while accused Anant Ram has been held guilty and convicted for the offence under Section 323 of IPC. Appellant Dariyo Singh has been sentenced to undergo rigorous imprisonment for a period of one year and while



appellant Anant Ram has been sentenced to undergo for a period six months.

2. Brief facts of prosecution are that on 08.11.2001 ASI Rajiv Kumar on received a telephonic message from General Hospital Sonapat that Dariyo Singh, Mukesh, Anant Ram and Sunita are lying admitted in the hospital on account of injuries sustained by them during a fight. On receipt of this information, he alongwith UGC Sukhbir Singh went to general hospital Sonapat where he came to know that the above said injured have been referred to Trauma Center Delhi by the authorities of General Hospital Sonapat. EHC Dharambir who was present at the police post inside the hospital informed ASI Rajiv Kumar that in the same occurrence, one Savitri has also suffered injuries and is lying admitted in the hospital. Upon this, ASI Rajiv Kumar submitted application Ex.PE to the doctor to seek his opinion as to whether said Savitri was fit to make the statement or not and vide opinion Ex.PE/1, the Doctor declared the injured unfit to make statement. Thereafter ASI Rajiv Kumar proceeded to Delhi to record the statement of the opposite party (accused). Statement of Dariyo Singh accused was recorded at Trauma Center Delhi as Ex.PF and it was sent to the police station Sadar through UGC Sukhbir Singh for registration of the case as offence under Section 307 IPC was made out. Endorsement Ex.PF/1 was made on the foot of the writing Ex.PF and formal FIR Ex.PF/2 was registered.

3. On 09.01.2001, ASI Rajiv Kumar again came to the general hospital Sonapat and resubmitted application Ex.PE before the doctor to enquire about the fitness of injured Savitri on which the doctor declared her fit to make the statement and accordingly, the statement of the Savitri



Ex.PB was recorded. ASI Rajiv Kumar made his endorsement at the foot of Ex.PB as Ex.PB/1 and sent ruqa to the Police Station for registration of FIR and a cross case was registered against accused Dariyo Singh, Anant Ram, Mukesh and Sunita who are accused in the present case. Doctor opined about the nature of injuries to be grievous and offence under Section 325 IPC was added in the present FIR on the basis of opinion Ex.PA.

4. Complainant in her statement Ex.PB alleged that she alongwith her daughter was returning to her house on 8.1.2001 at about 4.30 PM after lifting the wood from Gher (the place of tethering cattle) which is situated opposite to the house of accused. At that time, accused Dariyo Singh, Mukesh, Anant Ram and Sunita were sitting in front of their house and there was a dispute regarding the plot between the complainant party and the accused party. When complainant Savitri and her daughter were passing in front of the house of accused, they were abused in filthy language by the accused party and heated exchange of words took place. Upon this and Dariyo Singh lifted gandasa, Anant Ram accused lifted axe, Sunita accused lifted jeli and Mukesh came armed with a lathi. Dariyo Singh accused gave a gandasa blow near the left foot of the complainant whereas accused Anant Ram gave an axe blow on the head of the complainant. Sunita gave a jeli blow on the left shoulder of the complainant. As a result of these blows, complainant fell down and Mukesh accused also gave another lathi blow on the back of complainant. Her daughter, namely, Kamlesh raised hue and cry as a result of which her sons, namely, Sanjay and Narender came at the spot and they rescued the complainant from the clutches of the accused party. She further stated



that during the scuffle, the accused party also sustained injuries. The complainant was shifted to General Hospital Sonapat by her son Narender. The version of the opposite party as contained in Ex.PF is that infact Savitri and her daughter Kamlesh had leveled false accusations regarding lifting of wood from their plot and they tried to pacify them. However, the complainant party started hurling abuses at them. While exchange of heated words was going on, Sanjay and Narender sons of the complainant came there armed with their knives and they caused grievous injuries to all the accused. Thereafter, accused were arrested. Statements of the witnesses were recorded. After completion of investigation, final report under Section 173 Cr.P.C. was prepared and presented in the Court for trial.

5. Copies of challan were supplied to the accused as envisaged under Section 207 Cr.P.C. and thereafter, the case was committed to the Court of Sessions for trial and cross-case vide order dated 16.2.2002 passed by the Court of Chief Judicial Magistrate Sonapat.

6. Vide order dated 8.4.2002, accused were charged for commission of offences punishable under Sections 323, 324, 325 read with section 34 IPC to which the accused pleaded not guilty and claimed trial.

7. In order to prove its case, the prosecution has examined Dr. J.S. Punia as PW1 who had radiologically examined complainant Savitri on 9.1.2001 and found fracture of left clavicle on the shoulder of complainant Savitri. The opinion of the doctor has been proved as Ex.PA and the X-ray films have been proved as Ex.PA/1 to Ex.PA/4.

8. PW2 Sat Pal Singh SI/SHO had prepared report under



Section 173 Cr.P.C. on 5.2.2002 and has proved the same.

9. PW3 is complainant Savitri who has deposed in terms of the writing Ex.PB as fully discussed above and has further stated that she remained admitted in the hospital for about 14 days.

10. PW4 is the daughter of complainant Savitri namely Kamlesh who has corroborated the testimony of her mother in all material particulars.

11. PW5 Dr. Varsha had medico-legally examined the complainant on 8.1.2001 at 6.30 PM and found the following injuries on her person:

- 1. A lacerated wound of size 3.3 x 1 cm present on the left side of parietal region of scalp. X-ray and surgeon opinion was advised.*
- 2. A diffused swelling was present on the left arm and shoulder region tenderness was present and X-ray was advised.*
- 3. An incised wound of the size 1cm X 1.2 cm on the anterior surface of left leg.*
- 4. An incised wound of size 1.2 x 1.2 cm was present 4 cm below injury No. 3.*
- 5. A reddish contusion of the size 8 cms x 3 cms was present on the right side of the back in the middle region.*
- 6. A reddish contusion of size 4 cms x 1.2 cms was present on the right lumbosacral region.*
- 7. A reddish contusion of size 5 cms x 2 cms was present on the left knee.*

She deposed that the type of weapon for injuries No. 3 and 4 was sharp and for the remaining, it was blunt. The duration of the injuries was stated to be within six hours and MLR was proved by her as Ex.PC. Ex.PD is the ruqa sent by this witness to Police Post inside General Hospital Sonapat. She has also proved her opinions as Ex.PE/1 and



Ex.PE/2 rendered regarding the fitness of the injured on the application Ex.PF moved by the police on 8.1.2001.

12. PW 6 ASI Rajiv Kumar is the investigating officer in the present case and has deposed about the various steps taken by him during the investigation.

13. Thereafter, learned Public Prosecutor for the State closed the evidence of the prosecution.

14. After hearing the Public Prosecutor and the defence counsel, the accused namely Anant Ram was held guilty and convicted for the offence under Section 323 of IPC while accused namely Dariyo Singh was held guilty and convicted under Section 324 of IPC and accused namely Sunita and Mukesh were acquitted of the charges.

15. Feeling aggrieved, the appeal in hand has been preferred. Learned counsel for the appellants and learned State counsel have been heard and the material on file has been perused.

16. In order to prove its case, the prosecution has examined PW-3 Savitri and PW-4 Kamlesh. PW3 Savitri stated that on 8.11.2001 at about 4.30 PM, she alongwith her daughter Kamlesh had gone to her plot for bringing cow dung and wood and when both of them were returning to their house, Dariyo Singh, Anant Ram, Sunita and Mukesh met them and started beating them. Accused, Dariyo Singh accused was having a gandasi, Anant Ram was armed with an axe, Sunita was armed with a Jelli and Mukesh was armed with a lathi. Dariyo Singh gave a gandas blow on her left leg. Anant Ram gave axe blow on her head whereas Sunita gave a jelli blow on her left shoulder and Mukesh accused gave two lathi blows on her left buttock and back. Her daughter Kamlesh who



was accompanying her at that time raised hue and cry which attracted the attention of the villagers. She stated that she had given statement Ex.PB before the police on the basis of which formal FIR was registered. Her testimony has been corroborated by PW4 Kamlesh who is her daughter and was accompanying her at the time of occurrence. The ocular evidence is further corroborated by medical evidence as PW5 Dr. Varsha has proved her MLR as Ex.PC on record wherein the injuries have been shown on the scalp region, on the internal surface of left leg as well as on the shoulder. The ocular version is thus corroborated by medical evidence in the present case.

17. Learned counsel for the appellants argued that the present FIR was a counterblast to FIR No.190 dated 09.11.2001, under Section 307 of IPC Ex.PF/12 got registered by accused Dariyo Singh in the cross-case titled *State Vs. Sanjay etc.* and the present FIR was got registered only to escape the liability in the cross-case. Learned counsel contended that the doctor namely PW-5 namely Dr. Varsha, has admitted that injuries No.3 and 4 on the person of Savitri could be due to fall on a sharp-edged weapon and other injuries could be caused due to fall on a hard surface and as such, the possibility of injuries having been suffered due to fall cannot be ruled out. Learned counsel further contended that these injuries are also self-suffered. The weapons have not been recovered by the police from the custody of the accused persons and have also not been produced in the Court during the trial and all these circumstances negate the version of the prosecution.

18. No doubt, PW-5 Dr. Varsha has stated that the possibility of injuries having been suffered due to fall cannot be ruled out, but it is



merely an opinion and it cannot override the ocular version and cannot be made the basis to give a definite finding. A lacerated wound was present on the left side of the scalp whereas an incised wound of the size 1 cm x 1 cm was present on the interior surface of the left leg. PW-1 J.S. Punia had radiologically examined injured Savitri and she was found to have suffered fracture of the left clavicle vide his report Ex.PA. As such, the nature of injuries is such that the same cannot be self-inflicted. Moreover, no person can cause injury to such a vital portion of the body just to implicate the opposite party, particularly when the injuries are in the shape of a fracture.

19. The next point to be determined is as to which of the accused had caused injuries to Savitri and whether there was any prior meeting of minds between the accused before injuries were inflicted on her person. From the statement Ex.PF got recorded by Dariyo Singh, which is the basis of the cross-case, one fact is established that all the accused as well as the complainant and her daughter were present at the time of the incident, as there was a heated exchange of words. In these circumstances, there is no reason to discard the testimony of PW-3 Savitri and PW-4 Kamlesh that PW-3 Savitri was assaulted by the accused. At the time of the incident, accused Dariyo Singh, accused Anant Ram and accused Sunita were sitting in front of their house in the street and the plot of the complainant is situated opposite the house of accused Dariyo Singh. Victim Savitri and Kamlesh came to their plot to lift wood and they levelled some allegations against the accused party regarding theft of the wood and a heated exchange of words and scuffle took place. Victim Savitri has suffered seven injuries in all, including a fracture and it can be



assumed that someone amongst the accused had caused injuries to her after the heated exchange of words and incident which took place suddenly and therefore, it cannot be inferred that the accused shared common intention in causing injuries as there was no prior meeting of minds. As such, the ingredients for the offence under Section 34 of IPC are not attracted and each accused will have to be held liable for the individual act committed by him. The version of PW-3 and PW-4 that accused Sunita was holding a Jeli or accused Mukesh was carrying a lathi does not inspire confidence as also held by the Trial Court while acquitting them. The involvement of accused Mukesh was also doubtful, as also held by the Trial Court, as she had given birth to a male child a few days prior to the incident and it is thus not believable that she would have been in a position to assault the victim and that too while armed with a lathi. Besides this, from the perusal of the FIR Ex.PF/12, it is further established that knife blows were given to accused Sunita by the complainant's son namely Devender and it is thus not believable that she would have given a Jeli blow to complainant Savitri and both Sunita and Mukesh have been acquitted by the Trial Court.

20. As far as the involvement of accused Dariyo Singh and Anant Ram for causing injuries on the person of injured Savitri is concerned, the same cannot be doubted as the testimony of an injured witness has wider connotations. It is also well settled that conviction can be based on the solitary testimony of the injured, if the same inspires confidence and is corroborated by medical evidence. As such, the version of Savitri and Kamlesh is believable when they alleged that accused Dariyo Singh and Anant Ram had caused injuries. Learned Trial Court



has thus appreciated the facts of the case and the evidence on file in the correct perspective while holding accused Dariyo Singh guilty for the offence under Section 324 of IPC and accused Anant Ram for the offence under Section 323 of IPC and there is no reason to disbelieve the findings arrived at by the Trial Court and no interference in the impugned judgment is thus called for.

21. Coming to the question of sentence, it is not in dispute that the present FIR was registered in November, 2001 and appellants are facing the agony of trial for the last more than 25 years. Accused Anant Ram has been sentenced to undergo imprisonment for 6 months and accused Dariyo Singh has been sentenced to undergo rigorous imprisonment for a period of one year. It is also not in dispute that accused Anant Ram had suffered injuries in his abdomen caused by the son of the complainant namely Savitri and Dariyo Singh had suffered injury in his armpit caused with a knife by the son of the complainant and both the injuries were declared as dangerous to life and they were operated upon for the injuries inflicted upon them. There is nothing on the file to show that appellants are previous convicts or cannot be reformed. Therefore, taking into consideration the age, antecedents of appellants and the fact that the appellants are repentant over thus act, I am of the considered opinion that ends of justice would be met in case, they are ordered to be released on probation of good conduct for a period of 06 months on their furnishing requisite probation bonds in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of learned trial Court. Fine imposed by learned trial Court shall be adjusted towards cost of proceedings. Appellants shall furnish probation bonds



before the learned trial Court failing which they shall undergo the sentence imposed by learned trial Court and the appeal shall stand dismissed.

22. As a result of the aforesaid discussion, there is no merit in the appeal and the same is ordered to be dismissed with the aforesaid modification on the question of sentence.

(YASHVIR SINGH RATHOR)
JUDGE

10.02.2026
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No