

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1008-SB-2005 (O& M)
Date of Decision:15.05.2026

Joginder Singh and Ors. ...Appellants

Vs.

State of Punjab ...Respondent

(ii) CRA-S-1234-SB-2005 (O&M)

Jarnail Kaur @ Angrej Kaur and Anr. ...Appellants

Vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present: Mr. D. K Bansal, Advocate
Mr. Diamond, Advocate
Mr. Gaurav Narwat, Advocate
for the appellants No. 3 & 4 in CRA-S-1008-SB-2005 and
for the appellants in CRA-S-1234-SB-2005.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. S.S Majithia, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

CRM-19592-2026 in CRA-S-1008-SB-2005

1. Application is allowed as prayed for, subject to just all exceptions.
2. Annexure A-1 is taken on record.

CRM-21763-2026 in CRA-S-1008-SB-2005

1. Application is allowed as prayed for, subject to just all exceptions.
2. Short reply to CRM 19592-2026 is taken on record.

CRM-19555-2026 in CRA-S-1234-SB-2005

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1. Application is allowed as prayed for, subject to just all exceptions.
2. Annexure A-1 is taken on record.

CRM-21761-2026 in CRA-S-1234-SB-2005

1. Application is allowed as prayed for, subject to just all exceptions.
2. Short reply to CRM-19555-2026 is taken on record.

Main case(s)

1. This judgment shall dispose off two criminal appeals i.e **CRA-S-1008-SB-2005 (O&M)** titled as ***“Joginder Singh and Ors. Vs. State of Punjab”*** and **CRA-S-1234-SB-2005 (O&M)** titled as ***“Jarnail Kaur @ Angrej Kaur and Anr. Vs. State of Punjab,*** which have been directed against the common impugned judgment of conviction and order of sentence dated 17.05.2005 whereby, the appellants have been convicted for commission of the offences punishable under Sections 148,307, 307/149,326/149,324/149 of IPC and were sentenced accordingly.
2. Learned counsel for the appellants as well as learned State counsel in criminal appeal i.e. **CRA-S-1008-SB-2005 (O&M)** submits that Joginder Singh, appellant No.1, Bant Singh, appellant No.2 and Mohinder Singh, appellant No.5 have expired and the appeal qua them stands dismissed.
3. The F.I.R in the present case was registered on the basis of the statement made by Ballam Singh and the same has been reproduced below:-

“Ballam Singh, a resident of village Jalwera, has five brothers including Kehar Singh. All the six brothers are living to separately from one another. In the evening of 25.05.2001, he and

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his brother Kehar Singh were returning from Bareta Mandi to their village. When they reached near the house of Dev Singh, half a kilometer ahead of seepage drain bridge, it was about 07:00 P.M, Mohinder Singh, Jaswant Singh, Bant Singh, Joginder Singh, all armed with Gandasa, Buta Singh armed with a Ghop, Karnail Kaur and Jarnail Kaur empty handed were found standing there. Karnail Kaur and Jarnail Kaur exhorted others that they be taught a lesson for having purchased land of the share of Gurtej Kaur because previously Ballam Singh etc. had escaped the truck hit. Upon this, Mohinder Singh gave a gandasa blow on the person of Kehar Singh. The blow fell on left hand side of Kehar Singh's head. Then Buta Singh gave a thrust of 'Ghop' on the mouth of Kehar Singh. It hit his nose and teeth. Kehar Singh fell down on the ground. Thereupon, Joginder Singh inflicted gandasa blow on the right side of neck of Kehar Singh. Then all the assailants joined one another to inflict injuries with their respective weapons on the person of Kehar Singh. Out of fear, he (P.W. Ballam Singh) ran towards his village via the fields. He narrated the whole episode before his brothers, Ajmer Singh and Gurcharan Singh. Thereafter, all the three of them came to the spot of occurrence. Kehar Singh was found lying unconscious there and his body was smeared with blood. They arranged for a vehicle and took Kehar Singh to Civil Hospital, Bareta for treatment. But in view of multifareous injuries, doctors of Civil Hospital, Bareta referred Kehar Singh to Mansa.

4. In the present case, after necessary investigation, challan was presented against all the appellants. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 148, 307, 307/149, 326/149, 324/149 of IPC was made out against the appellants and they were charge-sheeted accordingly. However, they pleaded

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not guilty and claimed to be tried by the Trial Court.

5. In order to prove the charge against the appellants, the prosecution examined 14 witnesses.

6. After the closure of the prosecution evidence, the statements of appellants were recorded under Section 313 Cr.P.C and all the incriminating evidence was put to them, to which they pleaded that they had been falsely involved in the present case. No defence evidence was led by the appellants in their defence.

7. In both the cases, learned counsel for the appellants have filed applications for placing on record the compromise deed dated 18.01.2020, whereby, the appellants and injured/complainant have compromised the matter with each other. It was stated that the parties had entered into a compromise and would not have any kind of litigation in future with regard to the above incidents. Consequently, learned counsel for the appellants in both the appeals have vehemently argued that since the parties have entered into a compromise, now during the pendency of the appeals, lenient view may be taken while awarding the sentence imposed on them.

8. On the other hand learned counsel for the respondent/complainant also submits that the matter has been amicably resolved between the parties and he does not oppose the prayer made by learned counsel for the appellants.

9. Even though, learned counsel for the appellants does not challenged the judgment of conviction, still this Court has considered the case on merits.

10. I have heard the learned counsel for the parties and with their able

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assistance; I have gone through the trial Court record carefully

11. In the present case, the prosecution had examined Ballam Singh, complainant as PW-5, who had narrated the entire sequence of events and his statement was duly corroborated by the testimony of Kehar Singh, injured (PW-6). Both the witnesses were cross-examined at length and nothing material could be elicited from their testimonies, which could prove the innocence of the appellants. Apart from that, the prosecution examined PW-10 Paramjit Singh, A.S.I, who had investigated the present case initially. After him, further investigation was conducted by Inspector Bhupinder Singh (PW-9), who also proved the fact regarding the arrest of the accused in the present case.

12. The prosecution further examined PW-1 Dr. Varinder Kumar of R.C.H., Bareta, he proved ruqa, Ex.PA and has stated on oath that on 05.05.2001, Kehar Singh, PW was brought to the hospital at about 11:50 P.M by Ajmer Singh. At that time injured on about was in very serious condition and was, accordingly, referred by him to Civil Hospital, Mansa. The prosecution further examined PW-2 Dr. Parshotam Goyal, Civil Hospital, Mansa, who stated on oath that on 26.05.2001, at about 01:00 A.M., he medico-legally examined Kehar Singh and found the following injuries on his person:-

- 1. Incised wound on left side of forehead 4 cm x 1 cm deep upto bone. Clotted blood was present. Bleeded on cleaning. Advised x-ray and was kept under observation.*
- 2. Lacerated wound 2 cm x 1/2 cm on the left alae nasi, with swelling of nose. Clotted blood was present. Bleeding on cleaning. Advised X-Ray and kept under observation.*
- 3. Right upper central, left upper central and lateral incises were missing. Soft were empty. Clotted blood was present. Injury to*

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gingiva and lips were present.

4. Incised wound on the right side of neck 12 cm x 3 cm. Muscles were cut, starting from the lobule of the right pinna which was cut and was going backwards. Horizontally placed. Clotted blood was present. Bleeding on cleaning. Advised X-Ray. Kept under observation and surgical opinion. Brobing not done.

5. Reddish contusion 12 x 5 cm on the top and back of right shoulder joint with lacerated wound 2 cm x 1 skin deep on it. Clotted blood was present. Bled on cleaning. Advised x-ray and kept under observation.

6. Reddish abrasion contusion with swelling 8 cm x 3 cm on the upper part of front of right chest. Advised X-Ray and kept under observation.

7. Incised wound 1/2 cm x 1/2 cm skin deep on the front of chest in the midline with 7 cm long tail on the right chest. Advised x-ray and kept under observation.

8. Reddish contused swelling 4 cm x 3 cm on the dorsum of right hand with lacerated wound 1/2 x 1/2 cms on it. Advised X-Ray.

9. Incised wound 3 cm x 1/2 cm skin deep on medial side of left leg, 5 cm posterior to the tibial tuberosity, Clotted blood was present. Bled on cleaning. Corresponding cut was present in Pajama. Advised X-Ray.

10. Abrasion 4 cm x 1/2 cm on the front of right knee joint.

13. The prosecution further examined PW-13, Dr. R.K Kaushal, who stated that on 26.05.2001, he was working at Dayanand Medical College and Hospital, Ludhiana and on that day, P.W. Kehar Singh was brought to, and was got admitted in the said hospital. He was brought by Ajmer Singh and was received in the casualty by Dr. Manoj Singla. Injured was treated under his supervision. C.T. Scan was done by Dr. Vipon Goyal on 27.05.2001. He has

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also produced treatment file of the injured.

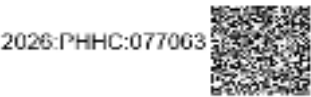
14. The prosecution examined PW-14 Dr. Vipon Goyal, and stated that on 27.05.2001, he working as resident doctor in Radiological Department of Dayanand Medical College and Hospital, Ludhiana and conducted the following test/examination on the person of injured Kehar Singh:-

- 1.X-ray nasal bone showed fracture of left nasal bone and X-ray had showed fracture of right 4th metacarpel. X-Ray PNS showed fracture of right parietal and left frontal bone.*
- 2.X-ray cervical spine was normal and that of chest showed featelacatic bands in left lower zone and no fracture was seen in nones of right shoulder and knee joint.*
- 3.C.T scan of patient was taken on 26.05.2001 and the report showed haemorrhagic contusions in right high parietal lobe. There was evidence of comminuted fracture of right parietal bone. There was evidence of comminuted depressed fracture of frontal bone on left side involving the orbital roof.*

He has also proved his X-Ray reports as Ex.PAA and skiagrams Ex.PAA/1 to Ex.PAA/12, C.T.Scan report Ex.PBB and Ex.PL/1 as also the C.T. film as Ex.PBB/1.

15. Apart from that, their testimonies have been duly corroborated by the statements of PW-3 HC Harjit Singh, PW-7 ASI Lakhbir Singh, PW-11 Rajinderpal Singh C.-II and PW-12 H.C Darshan Singh.

16. From the statements of aforesaid witnesses, it was amply proved that the appellants in both the appeals had committed the offences under Sections 148, 307, 307/149,326/149,324/149 of IPC. Even otherwise, I have gone through the judgment passed by the Trial Court and find that there is no



illegality, perversity or infirmity in the impugned judgment passed by the Trial Court and the impugned judgment of conviction is ordered to be upheld.

17. Now, advertng to the order of quantum of sentence in the present case, this Court cannot lost sight of the fact that the F.I.R in the present case was registered on 26.05.2001 and the appellants are facing the agony of trial/appeal for the last about 25 years. Even, the appellants and respondents have amicably resolved all their disputes and for the last several years, they are living peacefully. Even, most of the appellants have also undergone various sentences and have maintained good conduct. Consequently, the order of sentence is modified to the extent that the sentence imposed on the appellants are reduced to the period already undergone by them and the amount of fine will remain the same.

18. With the above modifications, the appeals are partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence imposed on the appellants are reduced to the period already undergone by them and the amount of fine will remain the same.

- 19. Case property, if any, be dealt with as per rules.
- 20. The Trial Court record be sent back, if any.
- 21. Pending application(s), if any, stand(s), disposed of, accordingly.

15.05.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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