



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

CRA-S-2487-SB-2004
Date of Decision:12.05.2026

Lakhwinder Singh @ Lakha and Anr. ...Appellants

Vs.

State of Punjab ...Respondent

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

Present: Mr. Tarunveer Vashisht, Advocate
for the appellant No.1.

Appeal qua appellant No.2 Sukhdev Singh stands abated
v.o.d 28.07.2023.

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

N.S.Shekhawat J.

1. The appellants have filed the present appeal against the impugned judgment of conviction dated 30.11.2004 and order of sentence dated 01.12.2004, passed by the Court of Additional Sessions Judge (Adhoc), Fast Track Court, Sangrur, whereby the appellants were ordered to be convicted for the offences punishable under Sections 307/34 IPC and 25/27 of Arms Act and were sentenced accordingly.

2. The brief facts of the present case are that on 28.01.2004, a query message was received from SMO, C.H., Sangrur that Swaran Singh son of Ajmer Singh & Sukhbir Singh son of Swaran Singh residents of village Ganduan are lying admitted in C.H. Sangrur in injured condition. Upon this, ASI Vijay Kumar alongwith other police officials reached at C.H Sangrur and received MLRs with respect to Sukhbir Singh & Swaran Singh. The police sought opinion of the doctor regarding fitness of the injured to give statement.



The doctor certified injured Sukhbir Singh as fit to make statement. On this, ASI Vijay Kumar recorded the statement of injured, Sukhbir Singh, who stated that on that day, at about 12:30 P.M., he alongwith his father, Swaran Singh, was returning from Sunam, on his scooter No.PB-13/7273, driven by him and his father was a pillion rider. When they reached near the bus stand on the outskirts of the village, Lakhwinder Singh @ Lakha was seen standing at the back side of bus stand and he was armed with 12 bore gun. When the complainant and his father reached near the bus stand, then, Lakhwinder Singh raised *lalkara* that they should not be spared. On seeing the said Lakhwinder Singh, the complainant accelerated the speed of his scooter, but Lakhwinder Singh @ Lakha fired upon them, with an intention to kill the complainant and his father, and the shot fell on the left hip of father of the complainant. Lakhwinder Singh managed to fire more shots which, however missed the complainant. As the complainant reached the road which leads to his house, the uncle of Lakhwinder Singh, namely, Sukhdev Singh was standing there. He was also armed with Single Barrel Gun and after raising *lalkara*, he fired a shot upon the complainant and his father with an intention to kill them and its shot fell on the middle finger of left hand of the complainant. The complainant raised alarm "Marta Marta" drove his scooter speedily reached his house, wherein the brother of complainant was present and the complainant narrated the entire story to him. Thereafter, the brother of the complainant got the complainant's father admitted in C.H., Sangrur. The motive behind the crime is that about five years back, Lakhwinder Singh had got a case registered against the complainant, his brother and father in which they were acquitted about 8/9 months back. But Lakhwinder Singh and his family members had grudge that



the Court had acquitted the accused and he would not leave them.

3. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 307/34 and 25/27 of Arms Act was made out against the appellants and they were charge-sheeted accordingly. However, they pleaded not guilty and claimed to be tried by the Trial Court.

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

5. After the closure of the prosecution evidence, the statement 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. In their defence, the appellants have examined DW-1 Ghuman Singh and DW-2 Darshan Singh.

6. At the very outset, learned counsel appearing on behalf of the appellants submit that they do not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to 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. I have heard the learned counsel for the parties and with their able assistance; I have gone through the trial Court record carefully

8. In the present case, Baljit Kaur, Staff Nurse, examined as PW-1, deposed that she had brought the original bed head tickets of Sukhbir Singh and Swaran Singh and exhibited as Ex.P-1 and Ex.P-2. PW-2 C.Jarnail Singh has deposed that he mechanically checked scooter No. PB-13D/7372, Vespa and he



proved his report Ex.P3. PW-3 Kirpal Singh, Jr. Asstt. Office of D.T.O Sangrur produced the record of scooter No.PB-13D/7372 which stood registered in the name of Jai Singh, 124, J.P.Nagar, Sangrur and he proved the R.C. Ex.P4. PW-4 Dharaminder Singh has proved the scaled site plan Ex.P5. PW-5 Swaran Singh, injured, supported the allegations as mentioned in the FIR. PW-7 MHC Kashmir Singh proved his affidavit Ex.P-7, whereas, PW-8 ASI Vijay Kumar had proved the investigation in the present case. PW-9 ASI Sukhchain Singh proved the FIR Ex.P-6/B.

9. The prosecution further examined Dr. Prabhjot Singh Sibia, Ex-M.O, C.H., Sangrur as PW-10, who medico legally examined Sukhbir Singh, injured and found the following injuries on his person:-

“Small wound lacerated 3x3 cms on dorsal aspect right ring finger distal to metacarpophalangeal joint. Swelling observed on the same. Fresh bleeding was present”.

The Doctor further deposed that he advised orthopedic opinion and X-ray of right hand. He proved MLR Ex.P29 and his opinion given in view of clinical and X-ray examination, vide which, the injury was declared to be a fire arm injury. He also deposed that injury present on the person of Sukhbir Singh was neither grievous nor dangerous to life, vide endorsement Ex.P29/A and pictorial diagram is Ex.P29/B.

He further deposed that on the same day, he also medically examined Swaran Singh and found the following injuries on his person:-

“1. One large lacerated wound 7.5.cm deep, 3.5 cm in diameter, and circular in shape. Margins of wound were inverted. Fresh bleeding was observed. Edges of wound were burn marks and blackening.



2. About 4.3 mm x 3mm sized wounds were seen at a distance of 3 to 4 cms from injury no. 1.

Injury No.1 was on left side of gluteal line. About 2 cms away from lateral margin of spine.

Dr. Sibia further deposed that he advised orthopedic and surgical opinion and also handed over one small sealed pack containing two pellets and plastic dart extracted from the wound, one small pack containing one shirt, underwear, trouser, sealed with the seal bearing impression 'IS'. He further proved the copy of MLR Ex. P30. After clinical and X-ray examination, the injury was declared to be fire and grievous in nature and dangerous to life, vide endorsement Ex. P30/A and pictorial diagram is Ex. P30/B. The shirt, trouser and underwear were exhibited as Ex P31 to Ex. P33. These were the same clothes which were removed from the injured at the time of his examination. The pellets and the dart were exhibited Ex.P34 to Ex.P36. This witness further proved information Ex.P37 sent by him to the police & also proved the application of police Ex.P9 and Ex.P10. This witness also deposed that he declared injured Sukhbir Singh fit to make statement vide Ex.P10/A. The bed head tickets Ex.P1 & Ex.P2 were shown to the witness which carried notes in his hand.

10. The prosecution further examined PW-11 Dr. Suresh Kumar Singla, who deposed that he radiologically examined Swaran Singh & proved his report Ex.P38 and skiagrams Ex.P39 to Ex.P41. He also deposed that on the same day, he radiologically examined Sukhbir Singh vide his report Ex.P42 and skiagram Ex. P43. PW-12 Jai Singh deposed that he was owner of scooter No. PB-13D/7372 which he sold to Jasbir Singh son of Swaran Singh vide affidavit Ex. P44. PW-13 C-II Jagdev Singh tendered into evidence his affidavit Ex. P45.



PW-14 HC Kulwant Singh has deposed as per the statement made by ASI Vijay Kumar and his statement is not repated.

11. From the above referred evidence led by the prosecution, it is established that the appellants and his co-accused were inimical towards the complainant and had fired gun shots, while they were armed with deadly weapons. Also, they had caused injuries to PW-5 Swaran Singh & PW-6 Sukhbir Singh. The report Ex.P-3 of C. Jarnail Singh also proved that there were marks of pellets by gun shot. Thus, from the prosecution evidence, the offence under Sections 307/34 IPC and 25/27 of Arms Act was clearly made out against the appellant No.1 and his co-accused.

12. Even otherwise, I have gone through the judgment passed by the Trial Court and found 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.

13. Now, advertng to the order of quantum of sentence in the present case, this Court cannot lost sight of the fact that the FIR in the present case was registered on 28.01.2004 and the appellants are facing the agony of trial/appeal for the last more than 22 years. As per the Custody Certificate, appellant Lakhwinder Singh @ Lakha has already undergone more than 08 months and four days of actual custody. Apart from that, the sentence imposed on the appellants were ordered to be suspended by this Court on 16.12.2004 and in the past 21 years and they have maintained good conduct. Consequently, the order of sentence is modified to the extent that the sentence imposed on the appellant is reduced to the period already undergone by him in the present case. However, the amount of fine imposed on him is enhanced to Rs.1,00,000/- as



compensation which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of two months from the date of receipt of certified copy of this order.

14. The amount of fine of Rs.1,00,000/-, which may be recovered from appellant, shall be paid to the both injured namely Swaran Singh and Sukhbir in equal share i.e. Rs.50,000/- each by the concerned Chief Judicial Magistrate as compensation against proper receipt and identification.

15. With the above modifications, the present appeal is partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence imposed on the appellant is reduced to the period already undergone by him and the amount of fine imposed on him is enhanced to Rs.1,00,000/- which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of two months from the date of receipt of certified copy of this order.

16. In case, the enhanced amount of fine Rs.1,00,000/- is not deposited by him as ordered, the present appeal shall be deemed to be dismissed.

17. Case property, if any, be dealt with, as per rules.

18. The Trial Court record be sent back, if any.

(N.S.SHEKHAWAT)
JUDGE

12.05.2026
hitesh

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