

2026:PHHC:048117



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

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CRA S-1233-SB-2006

Date of Decision: 25.03.2026

Anoop Singh and another

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

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

Present : Mr. Anmol Partap Singh Mann, 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, 324 and 325 IPC. Both the appellants were sentenced to undergo rigorous imprisonment for a period of 02 years with a fine of Rs. 1,000/- each under Section 325 read with Section 34 of the Indian Penal Code and in default of payment of fine to further undergo rigorous imprisonment for a period of two months. They were also sentenced to undergo rigorous imprisonment for 06 months under Section 323 read with Section 34 of the Indian Penal Code and rigorous imprisonment for one year with a fine of Rs. 1,000/- each under Section 506 of the Indian Penal Code and in default of

payment of fine to further undergo rigorous imprisonment for a period of two months.

2. The brief facts of the prosecution case are that on 23.08.2003 during the investigation of the main case and taking copy of MLR injured Sultan of this case made statement before the police that on 19.8.2003 at about 6.00 a.m., his son Kuldeep had gone to morning walk. Then, on the way Anoop son of Om Parkash also met him but some quarrel took place between them. At that time, he patched up the matter and brought his son to his house but after some time Sumer (complainant of the main case) armed with a *jelly*, Kitaba armed with a *rumba*, Anoop Singh and Yusuf armed with *lathis* came there and raised alarm that they would teach a lesson for quarreling with Anoop Singh and in the meanwhile Sumer gave a *jelly* blow to him (Sultan) on his head while Kitaba, Anoop and Yusuf caught hold of him and after that they also dragged him in their *gher* (plot). Then, all of them caused injuries to him with their respective weapons voluntarily and in furtherance of their common intention, his sons and Gulam Mohammad and other who came there to rescue them from the clutches of the accused. Thus, after recording the statement of Sultan, the police instead of recording fresh FIR has challaned the present accused in the cross case after completing of other formalities of the investigation for the offences under Sections 323, 325, 506 read with section 34 of the Indian Penal Code.

3. After the presentation of *challan*, the appellants were charge-sheeted for the offences punishable under Sections 323, 325 and

506 read with Section 34 IPC, to which they pleaded not guilty and claimed trial.

4. In support of its case, the prosecution examined, PW1 Gulam Mohmad, PW2 Kuldeep, PW3 Dr. Dhan Kumar, PW4 SI Ram Kumar, PW5 Sultan, PW6 Dr. M.L. Kochar and PW7 ASI Dharamvir Singh. The prosecution also tendered certain documents and, thereafter, the prosecution evidence was closed.

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. No evidence was led in defence.

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 judgement 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 petition be dismissed.

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

9. In the present case, the prosecution examined PW5 Sultan, who supported the case of the prosecution and explained the role of each of the accused. The statement of PW5 Sultan was duly corroborated by

PW2 Kuldeep. Still further, the prosecution examined PW3 Dr. Dhan Kumar, who identified the signatures and handwriting of Dr. R.N. Boora, who had prepared the MLR Ex. PA regarding the injuries of Sultan, Ex. PB regarding the injuries suffered by Kuldeep and Ex. PC regarding the injuries suffered by Ghulam Mohammad. Thus, he proved the injuries in the present case. The prosecution further examined PW7 ASI Dharamvir Singh and PW4 SI Ram Kumar, who had investigated the case and presented the *challan* under Section 173 Cr.P.C. Thus, it is evident from the evidence available on record that the appellants had caused injuries to Sultan. Even otherwise, I have carefully gone through the impugned judgement of conviction and found that the appellants have been rightly convicted by the learned trial Court for the commission of offences punishable under Sections 323, 325 and 506 read with Section 34 of the Indian Penal Code and impugned judgement of conviction dated 14.06.2006 passed by the Court of Additional Sessions Judge, Jind, is upheld.

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 sentence imposed on the appellants was suspended by this Court on 11.07.2006, and since then, they have not misused the concession in any manner and had maintained good conduct. Thus, keeping in view the peculiar facts and circumstances of the present case as well as the law laid down by the Hon'ble Supreme

Court in the matter of *Som Dutt and others vs State of Himachal Pradesh (2022) 6 SCC 722* and *Lakhvir Singh vs State of Punjab (2021) 2 SCC 763*, the appellants are ordered to be released on probation for a period of one year subject to their furnishing a personal bond in the sum of Rs.10,000/- each with one surety of like amount. The appellants shall submit an undertaking to maintain peace and good behaviour for a period of one year to the satisfaction of the trial Court within a period of four weeks from today. In case, they do not comply with the directions or there is any breach of undertaking, they shall be liable to undergo the sentence which was imposed on them by the appellate Court.

11. The present appeal is disposed off, accordingly.
12. Pending applications, if any, stand also disposed of, accordingly.

25.03.2026
amit rana

Whether reasoned/speaking :
Whether reportable :

(N.S.SHEKHAWAT)
JUDGE

Yes/No
Yes/No