



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Appeal No. S-1440-SB of 2006 (O&M)

**Reserved On: 09.01.2026
Pronounced On: 30.03.2026**

Manjit Singh and Jagjit Singh

... Appellant(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Ms. Manveer Kahlon, Advocate
for the appellant(s).

Mr. I.P.S.Sabharwal, Deputy Advocate General,
Punjab, for the respondent.

Ms. Hargun Sandhu, Advocate
for the complainant.

Surya Partap Singh, J.

1. This appeal against conviction has been filed by two convicts, named above, out of four accused, who was sent to face trial by the SHO concerned. This appeal has been filed in the backdrop of a judgment of conviction dated 24.07.2006 and order on quantum of sentence dated 25.07.2006. The above-mentioned judgment was rendered by the court of learned Additional Sessions Judge, Amritsar, in a case arising out of FIR No. 137 dated 07.08.2002, under Section(s) 307, 326, 324, 323 and 34 of 'the Indian Penal Code, 1860', Police Station Bikhiwind, District Amritsar, Punjab.

2. It shall not be out of place to mention here that as per

prosecution case, there were four accused in the above-mentioned case, but one of them being juvenile, his trial was separately conducted before the Juvenile Justice Board. Thus, the above-mentioned trial was conducted against with regard to three accused only. By virtue of above-mentioned judgment, the appellant No.1-‘Manjit Singh’ has been held guilty for the commission of offence punishable under Section 307, 326, 323 and 34 of IPC, whereas the appellant No.2-‘Jagjit Singh’ has been held guilty and convicted for the offence punishable under Sections 307, 324, 323 and 34 of IPC. The third accused, namely ‘Davinder Singh’ has been found not guilty and thus, acquitted.

3. The sentence awarded to the above-named appellants, by virtue of order on quantum of sentence dated 25.07.2006, are as under:-

Name of Accused	Offence under Section	Imprisonment	Fine	In default of payment of fine
Manjit Singh	307 of IPC	To undergo rigorous imprisonment for a period of five years.	₹1,000/- (Rupees One Thousand Only)	To further undergo rigorous imprisonment for one month.
	326 of IPC	To undergo rigorous imprisonment for a period of four years.	₹500/- (Rupees Five Hundred Only)	To further undergo rigorous imprisonment for 15 days.
	324/34 of IPC	To undergo rigorous imprisonment for a period of one year each.	--	--
	323/34 of IPC	To undergo rigorous imprisonment for a period of six months.	--	--

Name of Accused	Offence under Section	Imprisonment	Fine	In default of payment of fine
Jagjit Singh	307 of IPC	To undergo rigorous imprisonment for a period of five years.	₹1,000/- (Rupees One Thousand Only)	To further undergo rigorous imprisonment for one month.
	326/34 of IPC	To undergo rigorous imprisonment for a period of four years.	₹500/- (Rupees Five Hundred Only)	To further undergo rigorous imprisonment for 15 days.
	324/34 of IPC	To undergo rigorous imprisonment for a period of one year each.	--	--
	323 of IPC	To undergo rigorous imprisonment for a period of six months.	--	--

4. In nut-shell the facts emerging from the record are that the above-mentioned FIR came into being against four accused, i.e. XXX (a juvenile), ‘Manjit Singh’-appellant No.1, ‘Davinder Singh’ (acquitted) and ‘Jagjit Singh’-appellant No.2. According to the case set out by the prosecution, on 07.08.2002 when ‘ASI Sakatter Singh’ was leading a team of police officials deputed for patrolling duty, ‘Sukhchain Singh’ (the father of injured) handed over the medico-legal reports of two persons, namely ‘Varinder Singh’ and ‘Sukhdev Singh’. According to prosecution on receipt of medico-legal reports, the above-named police official visited the hospital and recorded the statement of injured-‘Varinder Singh’.

5. In his statement it was stated by the injured-‘Varinder Singh’, hereinafter being referred to as “complainant” only, that he and his brother

Amritsar, and that in the month of June there were vacations and therefore, he and his brother used to go to health club at Patti. As per complainant 'Jagjit Singh' and XXX (the Juvenile) also used to visit the same health club for exercise, and that on one day there was an altercation between his brother-'Sukhdev Singh' and 'Jagjit Singh' etc. The complainant further stated although the matter was got settled by the respectables of the community, but 'Sukhdev Singh' and others continued to nurse a grudge against them, and that on 05.08.2002 at about 7.30 P.M. when complainant and his brother-'Sukhdev Singh' were going towards Bikhiwind Chowk to have juice, they were waylaid and assaulted by 'Davinder Singh', the appellants and XXX (the Juvenile).

6. In his statement, the above-named injured had given details of the weapons used by each of the assailants as well as the injuries inflicted by them. According to complainant at the time of attack, XXX (the Juvenile) and appellant No.1-'Manjit Singh alias Vicky' were armed with knives, and the appellant No.2-'Jagjit Singh' with 'Dang' (Bambo stick). As per complainant the accused 'Davinder Singh' empty handed. It was further stated by the complainant that 'Davinder Singh' exhorted to teach a lesson and then XXX (the Juvenile) inflicted injury with the help of knife on the chest of 'Sukhdev Singh' followed by injury with knife on the left hand of 'Sukhdev Singh'. As per complainant when his brother-'Sukhdev Singh' fell down on the ground 'Jagjit Singh' with the help of Dang (stick) hit the left side of his back.

7. It was further stated by the complainant that when he intervened to rescue his brother he, too, came under attack and was caught

by ‘Davinder Singh’ from his hair and then XXX (the Juvenile) inflicted injury on his chest with the help of knife, followed by injury on his left shoulder by other accused. According to complainant when they screamed for help ‘Mahinder Singh’ son of Charan Singh and ‘Sarabjit Singh’ arrived on the spot, to rescue them, and thereafter, the assailants fled from the spot along with their respective weapons.

8. It is the case of prosecution that pursuant to above-mentioned statement, formal FIR of this case was lodged and the investigation taken up, which led to filing of final report under Section 173 of the Code of Criminal Procedure, 1973 against four accused (including two appellants). On the basis of above-mentioned report, the trial was conducted which has culminated into conviction of the appellants.

9. In order to prove its case, the prosecution, in the present case, led oral as well as documentary evidence. In its oral evidence, the prosecution had examined the following witnesses:-

PW-1	Varinder Singh, the injured
PW-2	Dr.Rahul Chopra, the Resident Medical Officer
PW-3	Sukhdev Singh
PW-4	Dr.Gurmanjit Rai, Lecturer
PW-4	Rishi Ram, Draftsman
(hereinafter referred to as PW-4/A)	
PW-5	ASI Sakattar Singh, the Investigating Officer

10. To provide support and corroboration to the above-mentioned oral evidence, the prosecution, in this case, had adduced documentary evidence also. In its documentary evidence, following documents were proved by the prosecution:-

Ex.PA/1	Birth Certificate of Navjot
Ex.PA/2	FIR
Ex.PB	Medical opinion with regard to injuries suffered by Varinder Singh
Ex.PC to Ex.PF	Medico-legal and X-Ray Reports
Ex.PH	Bed-Head Ticket of Gurunanak Dev Hospital
Ex.PJ	Site Plan of the place of occurrence
Ex.PI	OPD Slips
Ex.PK	Clothes [Ex.P1 to Ex.P3 – Sukhdev Singh and Ex.P4 to Ex.P5 – Varinder Singh]
Ex.PL	Rough Site Plan of the place of occurrence
Ex.PM	Daily Diary Report No. 5
Ex.PM/A1	Memo of Bamoo Stick recovered from the of accused Jagjit Singh (Ex.P6)
Ex.PQ	Disclosure Statement of accused Manjit Singh
Ex.PR	Sketch of Knife
Ex.PT	Site Plan of the place of recovery of knife

11. The record pertaining to trial Court shows that once the prosecution evidence was complete, the statements of appellants under Section under Section 313 Cr.P.C. were recorded, but they did not lead any evidence in their defence.

12. Heard.

13. While assailing the impugned order, the learned counsel for the appellants has contended that the impugned judgment of conviction, as well as order on quantum of sentence, are the outcome of improper appreciation of evidence vis-à-vis law, and therefore, the same are not sustainable. According to learned counsel for the appellants, merely, on the basis of assumptions and presumptions the learned trial Court has observed that the prosecution had been successful in discharging its burden with regard to charges framed against the appellants. It has been further contended by learned counsel for the appellants that by adopting an erroneous approach a

wrong conclusion has been drawn by the learned trial Court, while holding that the evidence adduced by the prosecution was sufficient and good enough to prove the charges.

14. According to learned counsel for the appellants the deficiency in the prosecution evidence, the contradictions which had surfaced during the course of cross-examination of the material witnesses, and the inconsistencies in ocular and medical version have not been considered by the learned trial Court and, merely, on the basis of conjectures and surmises the appellants have been held guilty and convicted. The learned counsel for the appellants has further argued that in the present case one of the significant short-coming in the prosecution case was that there was delay of two days in reporting the matter to the police and the above-mentioned delay was fatal in view of the fact that the place of occurrence was barely few meters away from the police station. According to learned counsel for the appellants the above-mentioned fact has not been considered by the learned trial Court at all.

15. As per learned counsel for the appellants, in addition to above, the learned trial Court has also ignored the fact that the medical evidence with regard to nature of injury was not reliable as merely on the basis of surgery notes this opinion was rendered by the Medical Officer that the injury suffered by 'Sukhdev Singh' was dangerous to life. With regard to above-mentioned opinion, rendered by the Medical Officer, it has been contended by learned counsel for the appellants that the best witness to prove the nature of injury would have been the doctor who performed surgery upon 'Sukhdev Singh', but he was not examined. It has also been

contended by learned counsel for the appellants that as per PW.4 even the weapon of offence was not shown to him for the opinion with regard to possible use of the weapon in the commission of offence.

16. In addition to above the learned counsel for the appellants has also contended that the depositions of PW.1 and PW.3 were self-contradictory on material points and the above-mentioned ocular version was inconsistent with the medical evidence. As per learned counsel for the appellants and that the injuries attributed to the appellants were not declared declared dangerous to life, as the same were attributed to XXX (the Juvenile). The learned counsel for the appellants has further contended that the injury attributed to the appellant No.2-‘Jagjit Singh’ was simple in nature, whereas one injury attributed to appellant No.1-‘Manjit Singh’ was a fracture on left thumb which was on unknown vital part of the body. With regard to nature of injuries it has been contended by learned counsel for the appellants that there is a question mark as to whether with the help of knife such injuries could have been caused or not.

17. While concluding his arguments, it has been contended by learned counsel for the appellants that the prosecution has miserably failed to prove charge against the accused as per the standard, prescribed for proving a charge in the criminal case, but the learned trial Court has convicted the appellants. As per learned counsel for the appellants the above-mentioned judgment of conviction deserves to be set aside.

18. In the alternative, the learned counsel for the appellants has contended that in the present case the sentence awarded to the appellants was imprisonment upto five years, and that both the appellants have already

undergone the sentence for a period of more than 1 year & 7½ months each. According to learned counsel for the appellants at the time of incident, which took place about 24 years ago, both the appellants were young lads of 24 years each, and that in the next 24 years till now they have clean record. Thus, it has been requested by learned counsel for the appellants that in case this appeal with regard to judgment of conviction does not find favour, the appellants may be sentenced to undergo imprisonment for the period they have already undergone in this case.

19. The learned State counsel has controverted the above mentioned arguments. It has been contended by the learned State counsel that in the present case there were very specific allegations and consistent evidence adduced by the prosecution, with regard to the fact that three injuries on the person of 'Sukhdev Singh' and two injuries on the person of 'Varinder Singh' were found, and that the above-mentioned injuries were inflicted with the help of sharp-edged as well as blunt weapons. As per the learned State counsel each and every detail of the manner in which the offence was committed and the injuries were inflicted on the persons of victims, were described by the two eye-witnesses/injured. It has also been contended by the learned State counsel that the above-mentioned ocular version of the story was further supported and corroborated by medical evidence. According to learned State counsel a right conclusion has been drawn by the learned trial Court while holding the appellants guilty for the commission of above-mentioned offences.

20. While defending the above-mentioned judgment it has been contended by the learned State counsel that there is no illegality or infirmity

in the findings recorded by the learned trial Court, and that there is no scope for indulgence or interference in the impugned judgment, in the exercise of appellate jurisdiction vested in this Court. The learned State counsel, in view of above-mentioned arguments, has sought for dismissal of the present appeal.

21. The record has been perused carefully.

22. In the present case, in order to prove charge against the appellants three types of evidence were produced by the prosecution-

- a) one part of the evidence was ocular evidence comprising of the testimonies of PW.1 and PW.3;
- b) the second part comprised of medical evidence comprising of the testimonies of PW.2 and PW.4 and
- c) the third part was the evidence comprising of the testimonies of the police officials, who participated in the investigation of the case.

23. As far as the ocular version was concerned the PW.1 and PW.3, in a very specific and thoroughly consistent manner, deposed that on 05.08.2002 at about 07.30 P.M. when both of them were going to have juice towards Bikhiwind Chowk an assault was launched by the appellants, along with two more persons, namely 'Davinder Singh' and XXX (the Juvenile). Both the PW.1 and PW.3 supported the prosecution case by giving the details of the weapons used by the assailants, and by describing the same injury on the person of each of them, they had extended a rock-solid support to the prosecution case.

24. This fact cannot be ignored here that before the examination of

PW.1 and PW.3 in the Court, the first version came up before the police when for the recording of FIR the statement of injured-‘Varinder Singh’ was recorded. If the above said statement of injured ‘Varinder Singh’ (Ex.PA) is compared with his examination-in-chief, recorded by the learned trial Court as PW.1, it transpires that the statement made by the PW.1 before the police was identical to the deposition in the court. It was consistent with regard to all the material particulars, such as the date, time and manner of incident, identity of the assailants, the weapon of offence used by the assailants and also the nature and seat of the injuries. Both the above-mentioned PW.1 and PW.3 had offered themselves for cross-examination by the learned defence counsel. However, the cross-examination of both the above-mentioned witnesses shows that no notable or remarkable fisher had surfaced in their testimony, which could have impeached the credibility of their depositions.

25. In order to provide support to the ocular version of the story, the prosecution had examined a Medical Officer, namely ‘Dr.Gurmanjit Singh Rai’, as PW.4. The PW.4 had deposed that he had examined the injured-‘Varinder Singh’ and ‘Sukhdev Singh’, medico-legally, on 06.08.2002 and prepared their medico-legal reports. The medico-legal report of injured ‘Varinder Singh’ was proved by the PW.4 as Ex.PB and its pictorial diagram as Ex.PC. The medico-legal report of another injured, namely ‘Sukhdev Singh’ was proved by the PW.4 as Ex.PE and the pictorial diagram as Ex.PF. The PW.4 had deposed that two injuries were found on the person of ‘Varinder Singh’ and three on the person of ‘Sukhdev Singh’. It was further stated by the PW.4 that an enquiry was made from him with regard to nature of injuries, and that on the basis of radio-logical

examination reports and the surgery notes pertaining to injured—‘Sukhdev Singh’, he had declared that injury No.1 suffered by ‘Sukhdev Singh’ was dangerous to life and the injury No.2 was grievous. However, with regard to nature of injuries suffered by injured-‘Varinder Singh’ it was deposed by the PW.4 that injuries on his person were simple in nature.

26. To provide support and corroboration to the above-mentioned statement of PW.4, ‘Dr. Rahul Chopra’, who had conducted radio-logical examination, was examined as PW.2. The PW.2 had proved the radio-logical reports of both the injured as Ex.PW.2/A to Ex.PW.2/C and Ex.PW.2/D to Ex.PW.2/G, respectively.

27. During the course of above-mentioned trial one formal witness, too, was examined by the prosecution. He was ‘Rishi Ram’, Draftsman (PW.4A).

28. The PW.4A had proved the scaled site plan of the place of occurrence. The Investigating Officer of the case was examined by the prosecution as PW.5. The PW.5 had proved all the steps taken by him during the course of investigation.

29. A careful perusal of the record shows that several aspects were involved in the present case which were raised by the learned counsel for the appellants to impeach the credibility of prosecution evidence, those were:-

- i) delay in reporting the matter to the police;
- ii) non-corroboration by independent evidence; and
- iii) doubt with regard to correctness of opinion of Medical Officers.

Delay in FIR

30. As far as the question with regard to delay in lodging the FIR was concerned, a perusal of record shows that, as proved by the prosecution with the help of PW.1 and PW.3, the incident had taken place at about 07.30 P.M. on 05.08.2002 and the FIR in this case was lodged on 07.08.2002 at 06.15 P.M., i.e. after a gap of almost 47 hours. With regard to above-mentioned delay the explanation was given by the prosecution. According to prosecution just after the incident the entire focus of the injured and their family members was upon their treatment. In addition to above it has also been claimed that the elders of the family were making efforts for amicable settlement of dispute between the parties. Taking into consideration the total amount of delay coupled with the above-mentioned factors, it is hereby held that the above-mentioned delay was not such a grave component, which could have been termed to be sufficient to impeach the credibility of thoroughly consistent prosecution evidence, discussed above.

Non-Corroboration by Independent Witness

31. It has been argued by learned counsel for the appellants that in the present case the incident had taken place at a public place, but there was no independent corroboration of the testimony of injured and therefore, the prosecution story was rendered doubtful.

32. With regard to above-mentioned arguments it is relevant to note here that in the present case there were two injured and both of them in a very specific and categorical words had narrated the incident. The remarkable consistency in their testimony added credibility to their testimony and once the above-mentioned testimonies were sufficient and

good enough to prove the allegations against the appellants, merely, on the ground of non-corroboration by independent evidence, the credit of above-mentioned evidence cannot be taken away.

Doubt With Regard to Correctness of Opinion of Medical Officers

33. With regard to above, it is relevant to mention here that the Medical Officer (PW.4), when appeared in witness-box, in a very specific and categorical words, had deposed that he had consulted the X-ray reports, the reports of Radiologist (PW.2) and the surgery notes of the injured, before arriving at any conclusion with regard to nature of injuries. Since the above-mentioned witness had successfully faced the test of cross-examination and nothing has been brought on record to impeach the credibility of his above-mentioned opinion, it is hereby observed that the testimony of PW.4 with regard to nature of injuries suffered by 'Sukhdev Singh' deserves to be believed.

34. As a sequel to above-mentioned discussions, it is hereby held that the evidence adduced by the prosecution, discussed above, was thoroughly consistent and its credibility could not be impeached by the accused. Thus, it is hereby observed that while holding the appellants guilty for the commission of offence punishable under Sections 307, 326, 324, 323 and 34 IPC no illegality was committed by the learned trial Court. Thus, it is hereby held that with regard to judgment of conviction there is no scope for indulgence and interference, by exercising the appellate jurisdiction of this Court. In view of above-mentioned observations the judgment of conviction dated 24.07.2006 is hereby upheld.

35. As far as the quantum of sentence is concerned, keeping in

view the fact that in the present case the injury which has been declared dangerous to life by the PW.4 has been attributed to XXX (the Juvenile) and the injury which was declared grievous was on left thumb of injured – ‘Sukhdev Singh’, a non-vital part of the body, it is hereby observed that the liability of the appellants with regard to commission of above-mentioned offence could be fixed by invoking Section 34 of IPC. The above said factor is a relevant factor to be taken into consideration, while awarding sentence to the appellants for the commission of offence punishable under Section 307/34 of IPC. In view of nature of injuries suffered by the victim, it appears that the sentence of five years imprisonment awarded to the appellants was harsh.

36. As far as the offence punishable under Section 326 of IPC is concerned, since the grievous injury with the help of sharp-edged weapon was on the left thumb of injured–‘Sukhdev Singh’, the above-mentioned seat of injury, too, leads to a conclusion that awarding of sentence for a period of four years imprisonment, too, was on harsh side.

37. In the present case another relevant factor to be taken into consideration is that the incident in question had taken place 24 years ago, and at that point of time both the appellants were 24 years old. In the last 24 years, as claimed by learned counsel for the appellants, the appellants have not been prosecuted for another offence. The above-mentioned factor, too, is relevant for determining the quantum of sentence to be awarded to the appellants, in the present case.

38. In the present case during the course of trial and thereafter, during the course of appeal, the appellants have already undergone sentence

for a period of approximately 1 year & 7½ months each. In view of all the above discussed mitigating circumstances the sentence already undergone by the appellants is hereby held to be sufficient to meet the ends of justice.

39. As a sequel to above-mentioned observations, the present appeal with regard to judgment of conviction is hereby **dismissed**. However, with regard to quantum of sentence the appeal is hereby **partly allowed** and the sentence awarded to the appellants for the commission of offence punishable under Section 307/34 as well as 326/34 of IPC is hereby reduced to the extent, equivalent to the imprisonment already undergone by the appellants.

40. The pending miscellaneous application(s), if any, shall stand disposed of.

(Surya Partap Singh)
Judge

March 30, 2026
“DK”

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