

**CRA-S-1955-SB-2005 (O&M)**

1

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRA-S-1955-SB-2005 (O&M)****Date of decision : 30.04.2026**

Kulwant Singh & Ors.

..... Appellants

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Mr. A.P.S. Deol, Sr. Advocate with
Mr. Vishal R. Lamba, Advocate for the appellants No.1 and 3.

Appeal stands abated qua appellant No.2
vide order dated 29.04.2026.

Mr. Ramender Singh Chauhan, AAG Haryana.

Mr. Naresh Prabhakar, Advocate for the complainant.

SURYA PARTAP SINGH, J.

The present appeal has been filed by the appellants against the judgment of conviction dated 20.10.2005 and order of sentence dated 24.10.2005, passed by the Court of learned Additional Sessions Judge Sirsa, hereinafter being referred to as 'trial Court' only.

2. Briefly stating the facts emerging from record are that one FIR, i.e. the FIR No.26 dated 13.03.2001, was registered at the instance of 'Harcharan Singh' for the offence under Sections 307, 323, 326, 506, 148 and 149 of Indian Penal Code, Police Station Baragudha. In view of

abovementioned FIR, the investigation was taken up by the police, and as an outcome of abovesaid investigation, the appellants were sent to face trial before the learned trial Court.

3. The appellants participated in the abovementioned trial, which by virtue of impugned judgment culminated into their conviction. Thus, vide order dated 24.10.2005 on quantum of sentence, the appellants were awarded the following sentences:-

Name of convict	Offence under Sections	Sentence
Kulwant Singh	148 of IPC	Rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- each and in default thereof to further undergo simple imprisonment for a period of one month.
	307 read with Section 149 of IPC	Rigorous imprisonment for a period of seven years and to pay a fine of Rs.1000/- each and in default thereof to further undergo simple imprisonment for a period of two months.
Jagjit Singh	323 read with Section 149 of IPC	Rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- each and in default thereof to further undergo simple imprisonment for a period of one month.
Veer Davinder Singh	506 read with Section 149 of IPC	Rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- each and in default thereof to further undergo simple imprisonment for a period of one month.

All the sentences were ordered to run concurrently.

4. Aggrieved of the abovementioned judgment of conviction and



order of sentence, the present appeal has been preferred by the appellants.

5. In nut-shell, the facts emerging from record are that the FIR of this case came into being on 13.03.2001 at the instance of 'Harcharan Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that he was a resident of Village 'Suba Khera' and was an agriculturist by profession. According to complainant, in the previous Session, 'Girdawari Devi' wife of 'Sohan Lal' was unanimously elected as Sarpanch of the Village and in this Session, he (complainant) also contested the election of Sarpanch and 'Balbir Singh' was his opponent. The complainant further alleged that he was defeated in the elections, whereas 'Balbir Singh' won the election and Girdawari Devi etc. had polled votes in his favour. As per complainant for the abovementioned reason, 'Balbir Singh' (Sarpanch) had moved the BDO of the area against 'Girdawari Devi' for an enquiry against her in respect of the accounts of Sarpanchship of the previous Sessions.

6. It was further alleged by the complainant that on 12.03.2001, 'Girdawari Devi' and 'Balbir Singh' were summoned for recording of their statements in the enquiry and many supporters of both the parties had gone to the office of B.D.O. Baragudha, Block, where the Panchayat Officer recorded the statements of 'Girdawari Devi' and 'Balbir Singh'. As per complainant, at about 01:00 pm, when the statement of 'Kulwant Singh' was being recorded, he levelled false allegations against 'Girdawari Devi', whereupon she asked him that he was levelling false and absolute baseless allegations against her, regarding which heated arguments took place

**CRA-S-1955-SB-2005 (O&M)**

4

between them, due to which Panchayat Officer left that place.

7. The complainant further alleged that at that time, he, his son 'Sukhjeet' and 'Parshotam' were standing in the *verandah* in front of the room and the members of opposite party, namely 'Balbir Singh' (Sarpanch), 'Jagtar Singh', 'Gurlal Singh', 'Veer Davinder Singh', 'Jagjit Singh', too, were standing there. As per complainant, there 'Kulwant Singh' and 'Jagjit Singh' exhorted to teach a lesson to the supporters of 'Girdawari Devi'. According to complainant, 'Balbir Singh' (Sarpanch) got enraged and he gave a '*ghop*' (sharp-edged weapon) blow, which he was carrying in his hand, on the nose of complainant, 'Jagtar Singh' gave a hockey blow, which hit the wrist of his right arm, 'Purshotam', who was standing beside him, was also given a couple of hockey blows, which hit on the thigh of his left leg, 'Veer Davinder Singh' gave a pipe blow on complainant's abdomen on the front side, and when the accomplices of 'Kulwant Singh' were taking care of the injured, 'Kulwant Singh' retorted that he had a revolver and abetted them to commit the crime.

8. The complainant further alleged that thereafter, the complainant, his son and 'Purshotam' screamed for help, upon which many persons gathered there and on their arrival, all the abovementioned assailants fled from the spot with their respective weapons. According to complainant, thereafter he was shifted to Civil Hospital Sirsa by 'Sohan Lal'.

9. It is the case of the prosecution that on the basis of abovementioned statement, formal FIR of this case was lodged and the investigation taken up. As per prosecution, during the course of



CRA-S-1955-SB-2005 (O&M)

5

investigation, the Investigating Officer inspected the spot, prepared rough site plan of the place of occurrence, recorded the statement of witnesses, under Section 161 CrPC, and completed other usual formalities of investigation. Thereafter, the final report under Section 173 of CrPC was filed.

10. To discharge its burden with regard to charge against the appellants, the prosecution in the instant case relied upon documentary as well as oral evidence. The documents relied upon, and marked with exhibits, by the prosecution were:-

- Ex.PB - X-ray report
- Ex.P-1 - X-ray film
- Ex.PC/1 - Diagram showing the seat of injuries
- Ex.PD - Police request for recording of statement of injured 'Harcharan Singh'
- Ex.PD/1 - Medical opinion with regard to fitness of injured 'Harcharan Singh'
- Ex.PE - Bed head ticket of 'Harcharan Singh'
- Ex.PA - Statement of 'Harcharan Singh'
- Ex.PA/1 - Endorsement regarding statement of 'Harcharan Singh'
- Ex.PA/2 - Formal FIR
- Ex.PD - Application before MO, Government Hospital, Sirsa regarding fitness of injured 'Harcharan Singh'
- Ex.PD/2 - Opinion regarding fitness of injured 'Harcharan Singh'
- Ex.PF - Rough site plan
- Ex.PG/1 - Opinion regarding nature of injury suffered by injured
- Ex.PK/1 - Endorsement
- Ex.PL/1 - Opinion by the doctor regarding nature of injury
- Ex.PN - Report regarding declaration of nature of injury

**CRA-S-1955-SB-2005 (O&M)**

6

- Ex.PG - Request of the police before the MO
- Ex.DB - Application before doctor of CHC Sirsa
- Ex.PP - Application seeking opinion about nature of injuries on the person of 'Harcharan Singh'
- Ex.PQ - Opinion of Dr. K.S. Aujhala of Ujjala Hospital, Ludhiana with regard to nature of injury

11. To provide support and corroboration to the above-mentioned documentary evidence, as many as twelve witnesses were examined by the prosecution. Those were:-

- PW-1 - Dr. H.R. Godara
- PW-2 - Dr. Joginder Singh
- PW-3 - O.P. Tanwar, Record-Keeper
- PW-4 - SI Jagdish Chander
- PW-5 - ASI Jagdish Rai
- PW-6 - Purshotam
- PW-7 - Complainant-Harcharan Singh
- PW-8 - Girdawari Devi
- PW-9 - Dr. N.K. Mittal
- PW-10 - Dr. J.K. Bishnoi
- PW-11 - HC Rajbir Singh
- PW-12 - Tara Chand, SI (Retd.)
- PW-13 - ASI Sant Lal

12. Once the prosecution evidence was recorded, the learned trial Court completed the essential formalities as enshrined under Section 313 CrPC. Thereafter, opportunity of defence evidence was afforded to the appellants. In their defence evidence, the appellants had not examined any witness.

**CRA-S-1955-SB-2005 (O&M)**

7

13. Once the evidence of both the parties was complete, the learned trial Court gave an opportunity to the appellants as well as prosecution to address arguments, and thereafter, returned the judgment of conviction against the appellants.

14. Heard.

15. It has been contended on behalf of appellants that the impugned judgment of conviction and order of sentence deserve to be set aside, being the outcome of non-application of judicial mind. According to learned Senior Counsel for the appellants, the learned trial Court has failed to appreciate that the necessary ingredients meant for the commission of offence under Sections 307/323/506/148/149 of IPC were not established by the prosecution, as per the standard prescribed under the law. As per learned Senior Counsel for the appellants, merely, on the basis of conjectures and surmises as well as assumptions and presumptions, the learned trial Court held the appellants guilty.

16. However, during the course of arguments, the learned Senior Counsel for the appellants has contended that in the instant appeal, the appellants are not inclined to challenge the finding of conviction recorded by the learned trial Court. The learned Senior Counsel for the appellants has categorically contended that at this stage, by virtue of present appeal, the appellants are challenging the order on the quantum of sentence only.

17. It has been further contended by learned Senior Counsel for the appellants that the incident had taken place way back in the year 2001.

**CRA-S-1955-SB-2005 (O&M)**

8

According to learned Senior Counsel for the appellants, the appellants are facing the agony of litigation for the last more than 25 years and have, in fact, already suffered more punishment than they deserved. It has further been submitted on behalf of appellants that the offence in question is the first offence committed by the appellants, and that after the offence, related to present case, the appellants have not been prosecuted for any other offence.

18. In addition to above, the learned Senior Counsel for the appellants has also contended that during the pendency of present appeal, the appellant No.2-Jagjit Singh passed away and the present appeal was abated qua him vide order dated 29.04.2026. The learned Senior Counsel for the appellants has also argued that in the present case, the appellant No.1-Kulwant Singh and appellant No.3-Veer Davinder Singh have already served a sentence for a period of more than 07 months and 10 months, respectively, and that by treating the above-discussed factors, the sentence already undergone by the appellants No.1 and 3 may be treated to be sufficient.

19. Moreover, it has also been contended by learned Senior Counsel for the appellants that during the pendency of present appeal, mutual compromise has been arrived at between the parties and that to prove the same, the compromise deed, dated 15.03.2018, has been placed on record, wherein both the parties have amicably settled their dispute.

20. *Per contra*, the learned State Counsel has argued that the appellants have been found guilty for the commission of offence punishable

**CRA-S-1955-SB-2005 (O&M)**

9

under Sections 307/323/506/148/149 IPC and merely, on the basis of compromise between the parties, the appellants do not deserve a lenient view. According to learned State Counsel, the sentence awarded to the appellants, i.e. imprisonment for a period of seven years, is already on lower side, and that the appellants are not entitled for a sentence of imprisonment for a period of less than seven years. As per learned State Counsel, the instant appeal has no merit and deserves dismissal.

21. The record has been perused carefully.

22. Once it is a categorical stand of the appellants that they are not challenging the judgment of conviction, passed by the learned trial Court, it is hereby held that there is no scope for interference or indulgence in the findings recorded by the learned trial Court with regard to conviction of appellants, for the offence under Sections 307/323/506/148/149 IPC. Accordingly, the abovementioned finding is hereby affirmed and qua the judgment of conviction instant appeal is hereby dismissed.

23. As far as the order on quantum of sentence is concerned, in view of the fact that the appellants No.1 and 3 have not been prosecuted by the police for any other case, and that the parties have reached to a compromise between them, and in view of the fact that the matter has been amicably settled between the parties, it is hereby held that the appellants are entitled for a lenient view.

24. In view of abovementioned observations, the sentence awarded to the appellants, i.e. imprisonment for a period of seven years, is held to be



harsh, and it is hereby held that with regard to quantum of sentence, there is need for interference and indulgence of appellate jurisdiction of this Court.

25. Similar situation has been dealt with by this Court in the case of 'Daljit Singh & Anr. V/s State of Punjab & Ors.' CRA-S-358-SB-2016. In the abovementioned case, the appellants were convicted for the offence punishable under Sections 307, 324, 323 of IPC. However, during the course of appeal, when the parties entered into a compromise, the quantum of sentence was reduced to the period already undergone by the appellants.

26. Similarly in the case of 'Ishwar Singh V/s State of Madhya Pradesh' 2009(1) RCR (Criminal) 1, the Hon'ble Supreme Court of India observed that since the offence under Section 307 of IPC is not compoundable, in the background of settlement arrived at between the parties, the sentence can be reduced to the period already undergone by the appellants.

27. As a cumulative effect of abovementioned observations as well as relevant principles of law, it is hereby held that in the present case the appellants No.1 and 3 are entitled for a lenient view, and that the sentence, which they have already undergone in the present case, i.e. imprisonment for a period of 07 months & 15 days and 10 months & 03 days, respectively, is adequate to meet the ends of justice.

28. As a sequel to the aforesaid discussions, the present appeal is hereby *partly allowed*. The judgment of conviction is upheld; but order on the point of quantum of sentence is modified, and the sentence awarded to

the appellants No.1 and 3 is reduced to the period already undergone by them.

29. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

30.04.2026
Gaurav Thakur

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