



CRA-S-2216-SB-2005 (O&M)

1

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

101

CRA-S-2216-SB-2005 (O&M)

Date of decision : 11.05.2026

Kartara & Ors.

..... Appellants

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Sandeep Verma, Advocate,
Mr. Aditya Vermani and Mr. A.P.S. Gill, Advocates
for the appellants No.1 to 4 and 10 in CRA-S-2216-SB-2005.

Appeal stands abated qua appellants No.5 and 7 to 9
vide order dated 02.12.2025.

Mr. Abhinav Kansal, Advocate for
Mr. Sagar Aggarwal, Advocate for the appellant No.6.

Mr. Ramender Singh Chauhan, AAG Haryana.

Mr. Parveen Sharma, Advocate for the complainant.

SURYA PARTAP SINGH, J.

The present appeal has been filed by the appellants against the judgment of conviction dated 09.12.2005 and order of sentence dated 10.12.2005, passed by the Court of learned Additional Sessions Judge Sonapat, 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.377 dated 17.11.1998, was registered at the instance of



‘Bhoop Singh’ for the offence under Sections 148, 149, 323, 325, 326, 506, 307 of Indian Penal Code, Police Station Sadar Gohana. 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 dated 09.12.2005 culminated into their conviction. Thus, vide order dated 10.12.2005 on the quantum of sentence, the appellants were awarded the following sentences:-

Name of convict	Offence under Sections	Sentence
a) Kartara	323 of IPC	Rigorous imprisonment for a period of six months.
b) Mohinder	324 of IPC	Rigorous imprisonment for a period of one year.
c) Attar Singh,	325 of IPC	Rigorous imprisonment for a period of two years.
d) Devender,	148 of IPC	Rigorous imprisonment for a period of six months.
e) Baljit,	307 read with Section 149 of IPC	Rigorous imprisonment for a period of five years and to pay a fine of Rs.5000/- each and in default thereof to further undergo simple imprisonment for a period of two months.
f) Chand Singh,		
g) Subhash,		
h) Rajbir,		
i) Ram Chander		
j) Kuldeep		

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 the basis of a complaint, dated 17.11.1998, filed by 'Bhoop Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant in his complaint that about 1-1/2 months back, his sons 'Rishi Pal' and 'Rajbir' had a dispute with 'Devender'. According to complainant, on 17.11.1998 at about 06:00 am, the complainant along with his sons 'Surender', 'Jogender', 'Rishi Pal' and 'Narender' was going towards the village for harvesting the paddy crop and when they were near the fields of Pirthi, the accused 'Ram Chander', 'Attar Singh', 'Kuldeep', 'Chand Ram', 'Zile Singh', 'Rajbir', 'Ram Kumar', 'Raj Singh', 'Ravinder', 'Balu', 'Mahender', 'Kartara', 'Devender', 'Baljit', 'Chand' and 'Subhash', armed with axes, gandasis, khuntas and lathis, came out of sugarcane fields and they all assaulted them and inflicted injuries on the persons of the complainant and his son.

6. The complainant further alleged that the accused 'Subhash' gave a blow of axe on the head of the complainant, accused 'Ram Chander' gave a blow of jelwa on his right arm, accused 'Kuldeep' gave a blow of jelwa on his left arm, accused 'Raj Singh' gave a blow of lathi on his left arm, due to which complainant fell down. According to complainant, thereafter, he was given blows on leg, chest, back and right leg by the above-named assailants and all his four sons were severally injured by them. The complainant further alleged that on his call, 'Sudesh' and 'Phool Kumar' came on the spot and witnessed the whole incident and that on their arrival, the above-named assailants fled from the spot along with their respective



weapons. According to complainant, thereafter the injured were brought to Civil Hospital Gohana by his brother 'Bhim Singh'.

7. 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 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.

8. 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.PN - Formal FIR
- Ex.PO - Seizure memos of weapons of offence,
& Ex.PO/1 recovered from the possession of accused Rajbir and Baljit
- Ex.P1 to - Seizure memos of weapon used by
Ex.P6 assailants, namely Chand, Attar Singh, Devender, Bal Kishan, Subhash, Chand Singh and Kartar Singh
- Ex.PA - Copy of medico-legal report of Bhoop Singh
- Ex.PB - Copy of medico-legal report of Surinder
- Ex.PC - Copy of medico-legal report of Joginder Singh
- Ex.PD - Copy of medico-legal report of Narinder
- Ex.PE - Copy of medico-legal report of Rishi Pal
- Ex.PF - Information-memo
- Ex.PG - Opinion regarding fitness of Bhoop Singh



- Ex.PH - Opinion regarding injuries suffered by injured Bhoop Singh
- Ex.PJ - X-ray report of Bhoop Singh
- Ex.PJ/1 to Ex.PJ/6 - X-ray films of Bhoop Singh
- Ex.PK - X-ray report of Surender
- Ex.PK/1 to Ex.PK/3 - X-ray films of Surender
- Ex.PL - X-ray report of Joginder
- Ex.PL/1 to Ex.PL/6 - X-ray films of Joginder
- Ex.PM - X-ray report of Rishi Pal
- Ex.PM/1 to Ex.PM/6 - X-ray films of Rishi Pal

9. 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 - Bhoop Singh
- PW-2 - Dr. Rajesh Kumar Saini
- PW-3 - SI Yad Ram
- PW-4 - HC Ram Parkash
- PW-5 - HC Rajinder Singh
- PW-6 - Complainant-Bhoop Singh
- PW-7 - Narender
- PW-8 - Satya Nand, Patwari Halqa
- PW-9 - Joginder Singh
- PW-10 - Surender
- PW-11 - ASI Raj Singh
- PW-12 - Parkash Chand, Retd. SI

10. 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 examined as many as three witnesses. Those were:-

- Ex.DA - Copy of attendance register
- Ex.DB - Medico Legal Report of accused Rajbir
- Ex.DC - Medico Legal Report of accused Baljit
- Ex.DD - Medico Legal Report of accused Dalbir
- Ex.DF - Copy of attendance register
- Ex.PG - Copy of attendance register

11. 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.

12. Heard.

13. 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 counsel for the appellants, the learned trial Court has failed to appreciate that the necessary ingredients meant for the commission of offence under Sections 323/324/325/148/149/307 of IPC were not established by the prosecution, in accordance with 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.



14. However, during the course of arguments, learned 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.

15. It has been further contended by learned counsel for the appellants that the incident had taken place way back in the year 1998. According to learned counsel for the appellants, the appellants are facing the agony of litigation for the last more than 28 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.

16. In addition to above, the learned counsel for the appellants has also contended that during the pendency of present appeal, the appellant No.5 and 7 to 9 have passed away, and the present appeal stands abated qua them, vide order dated 02.12.2025. It has also been contended by learned counsel for the appellants that during the pendency of present appeal, mutual compromise has been arrived at between the parties. The learned counsel for the appellants has also argued that in the present case, the appellants No.1 to 4, 6 and 10 have already served a sentence for a period of more than 05 months, each, and that by treating the above-discussed factors, the sentence already undergone by them may be treated to be sufficient.



17. *Per contra*, the learned State Counsel has argued that the appellants have been found guilty for the commission of offence punishable under Sections 323/324/325/148/149/307 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 five 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.

18. The learned counsel for the complainant has conceded this fact that the parties have arrived at a compromise.

19. The record has been perused carefully.

20. 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 323/324/325/148/149/307 IPC. Accordingly, the abovementioned finding is hereby affirmed and qua the judgment of conviction instant appeal is hereby dismissed.

21. As far as the order on quantum of sentence is concerned, in view of the fact that the appellants No.1 to 4, 6 and 10 have not been prosecuted by the police for any other case, and that the parties have reached



to a compromise, and that the matter has been amicably settled between the parties, it is hereby held that the appellants are entitled for a lenient view.

22. In view of abovementioned observations, the sentence awarded to the appellants, i.e. imprisonment for a period of five 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.

23. 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.

24. 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.

25. 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 to 4, 6 and 10 are entitled for a lenient view, and that the sentence, which they have already undergone in the present case, is

adequate, in the above-discussed peculiar circumstances of this case, to meet the ends of justice.

26. 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 to 4, 6 and 10 is reduced to the period already undergone by them.

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

(SURYA PARTAP SINGH)
JUDGE

11.05.2026
Gaurav Thakur

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