

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

454

2026.PHHC.044536



CRA-S-1977-SB-2012 (O&M)
Decided on: March 20, 2026.

SANDEEP KUMAR ALIAS RINKU AND OTHERS

...Appellant(s)

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Ashwani Bhardwaj, Legal Aid Counsel,
for the appellant(s).

Mr. Onkar Singh Wahla, Sr. DAG, Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant appeal has been preferred against the judgment of conviction and order of sentence dated 06.02.2012 passed by the Additional Sessions Judge, Kurukshetra, in Sessions Case bearing No.50 dated 22.12.2010, arising out of FIR bearing No.46 dated 03.10.2010, under Sections 392, 394 and 412 of the Indian Penal Code, 1860, registered at Police Station GRP, Kurukshetra, whereby the appellant(s) had been convicted for commission of offence under Section(s) 392/394 read with

Section 34 of the IPC, (for having committed robbery in 7JNK passenger train, which was going from Kurukshetra to Jind, by looting the complainant and voluntarily causing simple hurt) and sentenced to undergo rigorous imprisonment for a period of five years each and to pay a fine of Rs.2,000/- each vide order of even date.

2 It has been further pointed out that the proceedings were launched against 04 persons, i.e. the three appellants herein for offences as above, as well as one Rakam Singh for an offence under Section 412 of the IPC. Said Rakam Singh was however acquitted by the Additional Sessions Judge, Kurukshetra.

3 It is also evident from a perusal of the order sheets that on 07.11.2025, the State had informed that two of the appellants, i.e. Sandeep Kumar @ Rinku and Brahma, had already expired on 19.06.2025 and 09.07.2019, respectively. The proceedings against them were ordered to be abated. The whereabouts of Jaswant Singh @ Baba were also reported to be not known and as per the custody certificate, he has undergone half of his sentence. The appeal was thus ordered to be listed against Jaswant Singh @ Baba. Hence, on 27.02.2026, legal aid counsel was appointed to assist this Court on behalf of the appellant Jaswant Singh @ Baba.

4 Briefly summarised, the case of the prosecution is that on 03.10.2010, information was received at GRP, police station Kurukshetra, to the effect that some unknown persons had beaten some passengers travelling in the passenger train No.7JNK, going from Kurukshetra to Jind, on the way, and had forcibly looted money from them. Based on this information, a DDR entry No. 2 dated 03.10.2010 was made. A police

party headed by SHO Raghuvir Singh reached the railway station on Pehowa Road, but no injured passenger was found there and train No. 7JNK had already left the station. An information was later received from the station master, Shri Jangsher Kundu, railway station, Pehowa, that one passenger Joginder Singh, who had sustained injuries in the said incident, left the railway station after informing him and on receiving first aid. The police party reached the house of said Joginder and recorded his statement wherein he stated that he was a labourer and on the night of 02.10.2010, he boarded the passenger train No. 7JNK to go to his house in village Dhand, District Kaithal. When the train was around the railway station, Pindarsi, three persons, who had already boarded the train and were hurling abuses at each other, approached the complainant, and asked him as to where he was going. The complainant disclosed his destination, whereupon all of them started extending beatings to the complainant with dandas, and they forcibly snatched a sum of Rs.3,100/- from the pocket of the complainant as well as his mobile phone of Nokia brand. When the train was about to reach the railway station Dhand, the said three persons alighted from the moving train and fled. The complainant stated that he could identify those persons.

5 Based on said complaint, a formal FIR was registered under Section 392 of the Indian Penal Code. Investigation proceedings were initiated. During the investigation, appellant Sandeep and Brahma were identified by the complainant whereupon they were arrested by the police on 11.10.2010. They suffered their disclosure statements, leading to the recovery of *dandas* used in the incident and part of the looted currency notes were also recovered. Appellant Jaswant Singh was later arrested on

20.11.2010, and he was also identified by the complainant. He also suffered a disclosure statement, leading to the recovery of two currency notes of Rs.500/-denomination each. The recovered property was taken into possession, and the same was sealed. Thereafter, the accused Rakam Singh was arrested on 12.10.2010. He too suffered a disclosure statement, leading to the recovery of the mobile phone make Nokia. On completion of the investigation proceedings and usual formalities, challan under Section 173 Cr. P.C. was presented before the court for trial.

6 Copies of challan were supplied to the appellant. Vide order dated 08.12.2010, the case was committed to the court of the Sessions Judge, Kurukshetra and assigned to the Additional Sessions Judge, Kurukshetra, for adjudication in accordance with law.

7 On finding a prima facie case for the commission of offences punishable under Sections 392 and 394 of the Indian Penal Code, the appellants herein were charged accordingly, whereas the accused Rakam Singh was charge sheeted only for the commission of an offence punishable under Section 412 of the Indian Penal Code, to which all the appellants/accused pleaded not guilty and claimed trial.

8 The charges framed against the appellants herein were amended vide order dated 04.02.2012, and as per the amended charge, the appellants were charged for the commission of offences punishable under Sections 392 and 394 read with Section 34 of the Indian Penal Code, to which they pleaded not guilty and claimed trial.

9 The prosecution examined nine witnesses in all, besides placing reliance on certain documents. Witness ASI Raj Kumar was given up as an unnecessary witness, and the prosecution evidence was closed by the Public Prosecutor.

10 Statements of the appellants were thereafter recorded separately under Section 313 Cr. P.C., wherein the entire incriminating evidence was put to them along with the allegations; however, the appellants denied all the allegations and pleaded their innocence.

11 No evidence was, however, led by the appellants in defence.

12 After hearing arguments advanced by the respective parties and considering the evidence adduced, the Additional Sessions Judge, Kurukshetra, convicted the appellants and sentenced them as above.

13 Aggrieved thereof, the instant appeal has been filed.

14 Legal aid counsel appearing for the appellant Jaswant Singh @ Baba, contends that the prosecution has failed to prove its case beyond reasonable doubt. He contends that the incident in question took place on 02.10.2010, whereas the FIR was registered on 03.10.2010 at around 3:50 P.M. There is thus an inordinate and unexplained delay in registration of the FIR. He contends that as per the specific case of the complainant, he had boarded a train to reach his village Dhand and that the assailants had alighted from the moving train near Dhand. The victim, however, did not report the incident to the police at the railway police station Dhand immediately and waited until the next day to get the FIR registered. It is further contended that, as per the allegations, a sum of Rs.3,100/- was

looted from the victim. The said notes, as per his deposition, were in the denomination of Rs.100/- each; however, what had been recovered by the Investigating Agency were currency notes of the denomination of Rs.500/- each. He thus submits that the recovery of Rs.3,100/- hence cannot be linked to the commission of the offence as the same was not in the same denomination as were alleged to have been forcibly snatched. It was further contended that the looted mobile phone, of the make Nokia, belonging to the complainant, had been recovered from co-accused Rakam Singh on the disclosure of appellant Sandeep. It is contended that said Rakam Singh was charged only for the commission of offence under Section 412 IPC. He already stands acquitted by the trial Court. It is submitted that since Sandeep has already passed away and the recovery of the mobile phone was at his disclosure, there is no link evidence to establish the connection of appellant Jaswant Singh (Sole surviving appellant but whereabouts unknown) as the recovered currency notes cannot be linked to the crime in question. No other incriminating evidence apart from the disclosure by the complainant about the appellant being one of the assailants who had caused the injuries has come against the appellant. He further contends that even though it is stated that the victim/complainant had been caused injuries by the appellants, however, no charge was framed against them for having caused any injury and no medical evidence has been exhibited on record. Thus, the charge against the sole surviving appellant herein, namely Jaswant Singh, does not subsist any further. It is suggested by the counsel that it seems to be a case of inter se fight and not an act of robbery as alleged, more so, since Sandeep alias Rinku (son of Mohinder) and the complainant were

residents of the same village. He submits that there is also an averment in the complaint that the appellants herein had been talking to each other loudly and hurling abuses. Seemingly, the complainant had tried to stop them, thus resulting in a scuffle and loss of money as well as a mobile and it is not a case of robbery, as has been portrayed.

15 State counsel, on the other hand, contends that 3/4 incidents had taken place on said date and that the Assistant Station Master, Jangsher Kundu, appeared as a witness wherein he deposed that three passengers from the said train had met him in an injured condition on 02.10.2010. One of them disclosed his name as Joginder, who informed that a looting incident had taken place in the train and that he had been injured. He also disclosed about the robbery and the currency notes of Rs.3100/- and his mobile phone being taken away. First aid was immediately given, and an intimation was sent to the SHO, Police Station, Dhand, as well as to the Police Station GRP, Kaithal. State Counsel submits that the statement of the injured was however recorded on 03.10.2010. PW5 Joginder Singh -complainant had also appeared in the witness box and reiterated his allegations as set out in the FIR. It was submitted by him that he had informed about the incident on the same date to the Assistant Station Master and that first aid had been provided to him. Thereafter, he left for his house and on the next day, the police officials of Police Station GRP, Kurukshetra got his statement Ex. P4 recorded. Medico-legal examination of the complainant was also conducted at Kurukshetra, and the medico-legal report was duly executed. The complainant further deposed that he identified Jaswant Singh on 20.11.2010 as one of the persons who participated in the occurrence in

question. He proved the memo of identification as Ex. P8 and disclosure statement as Ex. P9.

16 State counsel contends that the investigating officer himself appeared as PW6 and deposed that appellant Jaswant Singh had got recovered two currency notes of Rs.500 denomination each, which had been concealed by him. It is submitted that out of the sum of Rs.3100/- that was taken away from the complainant, the same was divided equally and Rs.1,200/- each was shared between appellant Jaswant and Brahma and appellant Sandeep got recovered Rs.700/- and the mobile which he had sold to Rakam Singh. Hence, the money was equally divided among the appellants.

17 State counsel has further argued that the accused Rakam Singh was discharged of the offence under Section 412 IPC as there was no evidence to prove that he had dishonestly received the property stolen, in the commission of the offence of robbery from accused Sandeep. He thus contends that it was under the aforesaid circumstances that Rakam Singh was discharged. The fact that the mobile phone in question had been recovered on the disclosure of the appellants herein, the recovery thereof from Rakam Singh establishes the guilt of the appellants.

18 He further contends that there is no dispute with respect to the identification of the appellants herein by Joginder Singh. The complainant has specifically identified them. It is not the case set up by the defence that the incident in question had not taken place or that the occurrence was not on the given date of the incident. He contends that the complainant had no axe to grind against the appellants to falsely implicate

them and it is also not the case that the appellants had muffled faces to make their identification otherwise suspect. He further submits that in the absence of circumstances which may suggest towards a malicious implication of the appellants herein and the complainant having no reason for their false implication coupled with the fact that various injuries had been sustained by the complainant qua which he was medically examined and the medico legal examination being specifically proved by leading evidence of Lajja Ram who specifically made his deposition before the Court, the case against the appellants stands established on all parameters.

19 I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present appeal, including the evidence referred to by the parties.

20 It is evident from the evidence that Joginder Singh, i.e. the victim, was injured in the incident of 02.10.2010, which took place at 10:45 P.M. and that the matter was promptly reported to the Assistant Station Master. He has also been examined as PW2 and has corroborated the said version. It is further established that the FIR in the present case was registered at Polie Station GRP, Kurukshetra and that officials of the GRP themselves came on the next day, i.e., on 03.10.2010 itself, whereafter the statement of the complainant was recorded. Hence, a mere delay in registration of the FIR would in no manner discredit the version of the prosecution since the reporting of the incident was prompt and stands corroborated by the testimony of an independent witness, i.e. the Assistant Station Master himself. Thus, the delay in registration of the FIR

by the GRP would not prove fatal to the case of the prosecution, as sufficient explanation with respect to the delay has been offered.

21 The subsequent argument with respect to the currency not being related to the victim and that the recovery having not been established is concerned, it is evident that the incident in question took place on 02.10.2010, while the sole surviving appellant herein, Jaswant Singh, was arrested on 20.11.2010, i.e. after a delay of more than 1½ months from the incident in question. There is hence a likelihood of the currency having changed hands. Besides, the money was in currency notes and the incident was sudden, in which snatching took place, hence there could be no other specific identification of the currency notes.

22 Be that as it may, even if a benefit is extended to the appellant that the amount recovered was not the same, on account of the change in denomination, the same would not impeach the incident itself. It remains undisputed that the mobile phone, having been forcibly robbed from complainant Joginder Singh, was recovered on the disclosure of the co-accused Sandeep, from Rakam Singh. Rakam Singh himself informed about the mobile phone being given to him by Sandeep. Said Rakam Singh was charged not for the commission of offence under Sections 392 and 394 IPC but only for having dishonestly received the stolen property. As the dishonest intention on the part of Rakam Singh could not be established, the charge against him for the commission of offence under Section 412 IPC was dropped. The transfer of the mobile phone to him by the co-accused, however, remains established from his deposition as well.

In the statement of appellant recorded under Section 313 Cr.P.C., there is

only a simpliciter denial of the incident and that no suggestion was given to the witnesses that the appellant Jaswant Singh had not been accompanying the other appellants-accused.

23 It is further evident that Sandeep belongs to the same village as the complainant and was identified by an eyewitness at the railway station Thanesar. He was thus arrested within a short duration. There are no circumstances that would dispute the identification of the appellants herein by the complainant. Since the charge had been framed invoking Section 34 IPC and the recovery of the mobile phone, forcibly taken away from the complainant, had already been effected on the disclosure of co-accused Sandeep, the culpable liability for the said offence would also extend to the appellant herein. No fault can thus be found with the conviction recorded by the trial Court. The appeal thus deserves to be dismissed on its challenge to the conviction. The judgment of conviction dated 06.02.2012, passed by the Additional Sessions Judge, Kurukshetra, is affirmed.

24 On being faced with the above, counsel for the appellant Jaswant Singh contends that the appellant has no criminal antecedents and was not involved in any other offence of any nature whatsoever and that under the totality of circumstances, the sentence imposed upon the appellant by the Additional Sessions Judge, Kurukshetra, be reconsidered. He further contends that, as per the custody certificate dated 19.03.2026 placed on record, the appellant Jaswant Singh has already undergone a sentence of 02 years, 05 months, and 18 days before his sentence was suspended. He contends that the incident in question is more than 15 years old and that, currently, the whereabouts of the appellant are also not known. At the time of his conviction, the appellant was nearly 48 years of

age. Since a period of more than 14 years has already elapsed since then, the appellant would be beyond 60 years of age. He has reintegrated into Society and has not committed any other offence.

25 State counsel does not dispute the same.

26 Considering the totality of circumstances, as above, which remain unrebutted, the sentence awarded to the appellant Jaswant Singh, is modified and reduced to the period already undergone by him.

27 The present appeal is accordingly **partly allowed**.

28 A copy of this order be sent to the High Court Legal Services Committee for information and necessary action.

March 20, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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