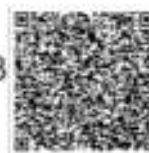


2026:PHHC:069833



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

230

CRA S-2490-SB-2006

Date of Decision: 04.05.2026

Subhash and others

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

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

Present : Mr. Gurudev Singh, Advocate
for the petitioners.

Mr. Parmod Kumar, AAG, Haryana.

Mr. Aashsih Grewal, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement of conviction dated 01.12.2006 and order of sentence dated 05.12.2006 passed by the Court of Additional Sessions Judge, Yamuna Nagar at Jagadhri, whereby, the appellants were held guilty for the commission of offences punishable under Sections 307 and 325 read with Section 34 of IPC and were sentenced as under:-

“Under Sections 307/34 IPC to undergo rigorous imprisonment for five years each. They are also ordered to pay fine of Rs. 5000/- each. In default of payment of fine, they will further undergo rigorous imprisonment for a period of six months each.

Under Sections 325/34 IPC to undergo rigorous imprisonment for a period of two years each and fine of Rs. 2000/- each. In default of payment of fine, further rigorous imprisonment for a period of 3 months each”.

2. Brief facts of the prosecution case giving rise to this prosecution are that on 19.8.2000 on receipt of a medical *rukka* Ex. PC regarding admission of injured Ram Sarup and Shish Pal, from Civil Hospital, Radaur, S.I. Dhanna Ram (PW8) accompanied by other police personnel reached Civil Hospital, Radaur and moved an application Ex. PD seeking opinion of the doctor regarding fitness of the injured to make statement. Injured Shish Pal was declared unfit to make statement vide report Ex. PD/1, however, injured Ram Sarup was declared fit to make statement vide report Ex. PD/2. The Investigating Officer, thus, recorded the statement Ex. PJ made by complainant Ram Sarup (PW3) to the effect that he is resident of Village Daulatpur and is an agriculturist by profession. On 19.08.2000 at about 10.00 a.m., he alongwith Raghubir Singh Son of Babu Ram of Village Silikalan, Khushi Ram Son of Ram Avtar of village Deh, his sons Jagmohan and Shish Pal (PW1) was present in the *baithak* of his house. In the meantime, it started raining. The rainy water had collected and flowed from the side of the house of accused Phool Singh and it entered in his (complainant) *baithak*. He asked accused Phool Singh to make some arrangement for flow of water and returned to his *baithak*. It was a heavy rain and heavy water had collected in his *baithak*. He came outside in order to see the water and since there was no blockage of water, he called his son Shish Pal to bring a spade (*Kassi*) so that blockage of water should be made. His son Shish Pal brought the spade and started laying earth/soil by the side of wall. Accused Phool Singh asked him not to take soil. He (complainant) asked him that since it was

rain, from where they will bring the soil. In the meantime, accused Subhash son of Phool Singh came there and caught hold his son Shish Pal. He got them freed. In the meanwhile accused Phool Singh picked up a wooden plank (*Phatta* meant for shuttering), lying there, and gave its blow on his arm. Because of that, his arm was fractured and he fell down. Accused Phool Singh again intended to give a blow of wooden plank on his head, which he stopped by putting his right arm forward and he stood up. In the meantime, accused Subhash brought an axe from his house. He (complainant) asked his son Shish Pal to run away. In the meantime, accused Sat Pal and accused Jai Karan, who is relative of accused Phool Singh and is living with him, came there and caught hold his son Shish Pal. Due to slip, Shish Pal fell down. Accused Subhash gave an axe blow on the back of Shish Pal. When Shish Pal tried to stand up, accused Subhash gave an axe blow on the right leg of Shish Pal above knee. When he raised alarm, his another son Jagmohan, Raghubir and Khushi Pal attracted there and witnessed the occurrence and the accused persons fled away from the spot alongwith their respective weapons. He further stated that earlier there was litigation between him and Phool Singh in which he had recorded victory. They were brought to hospital at Radaur by his son Jagmal and Raghubir Singh. Accused Phool Singh etc., have caused injuries to him and his son with an intention to kill his son. On this statement, the Investigating Officer S.I. Dhanna Ram made his endorsement Ex PJ/1 and the present case was registered vide F.I.R. Ex. PK and the investigation was put into motion.

3. The appellants were charge-sheeted for the commission of offences punishable under Sections 325 and 307 read with Section 34 IPC, to which, they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined Shish Pal as PW-1, Kuldeep Singh as PW-2, Ram Sarup as PW-3, Dr. Ajit Kumar Sethi as PW-4, SI Dharamvir Singh as PW5, HC Hari Singh as PW6, HC Som Parkash as PW7, SI Dhanna Ram as PW8 and Dr. Sanjay Gupta as PW9. Thereafter, evidence of the prosecution was closed.

5. After closure of the evidence, the statements of the appellants were recorded under Section 313 Cr.P.C. and they denied all the incriminating evidence put to them and stated that they have been falsely involved in the present case.

6. In defence evidence, the appellants examined Jai Bhagwan, Civil Ahlmad as DW1, Baldev Singh, Criminal Ahlmad as DW2, Dr. Ashwani Bhatnagar as DW3, Harpal Singh as DW4 and Raghubir Singh as DW5 and, thereafter, closed their defence evidence.

7. At the very outset, learned counsel for the appellants submits the parties have compromised the matter with each other on 11.02.2026 and he does not wish to challenge the judgement of conviction passed against the appellants by the 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 convictions, still, this Court has considered the case on merits.

8. Learned State counsel submits that the appellants do not deserve the concession regarding sentence and the present appeal be dismissed.

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

10. In the present case, the prosecution examined PW1 Shish Pal (injured), who supported the case of the prosecution. PW2 Kuldeep Singh is a witness of recovery of one *Kulhari* Ex.P1 from Subhash accused, which was taken into possession by the police. Ram Sarup, injured/complainant, appeared as PW3 and had supported the case of the prosecution in the present case. PW4 Dr. Ajit Kumar Sethi proved the injuries suffered by Shish Pal and Ram Sarup in the present case. PW5 SI Dharamvir Singh had recorded the FIR Ex.PK and PW6 HC Hari Singh is a witness of recovery of a *Kulhari* Ex. P1 from Subhash, accused, which was taken into possession vide recovery memo Ex.PN and PW7 HC Som Prakash stated that the *Fatta* Ex. P2 was produced by Phool Singh, accused, which was taken into possession by the recovery memo Ex. PL and PW8 SI Dhanna Ram proved the investigation in the present case. Dr. Sanjay Gupta, Senior Resident, Department of General Surgery from P.G.I.M.E.R., Chandigarh appeared as PW9, who proved the medico-legal case summary of Shish Pal injured and as per him the injury suffered by Shish Pal, injured, was grievous. From the evidence led by the prosecution, it was apparent that the appellants had committed the offence punishable under Section 307, 325, and 34 IPC. Even otherwise, I have carefully gone through the judgment passed by the

learned trial Court and find that the same does not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of conviction is ordered to be upheld.

11. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the appellants have compromised the matter with the complainant side vide compromise deed (Annexure A-1). Even, learned counsel appearing on behalf of injured/victim also submits that a lenient view may be taken against the appellants keeping in view the compromise between the parties. The appellants are facing the agony of trial/appeal since 19.08.2000, i.e., for the last more than 25 years. The sentence imposed upon appellant No.1 Subhash was suspended by this Court on 24.07.2007; that of appellant No.2 Satpal Singh on 16.01.2007; appellant No.3 Phool Singh on 05.03.2007; and appellant No.4 Jai Karan on 16.01.2007 and in the last so many years, they have maintained good conduct and have not misused the concession of suspension of sentence in any manner. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the appellants is reduced to the period already undergone by them.

12. With the above modifications, the present appeal is partly allowed and impugned judgement of conviction dated 01.12.2006 and order of sentence dated 05.12.2006 passed by the Court of Additional Sessions Judge, Yamuna Nagar at Jagadhri, is upheld, whereas, the sentence imposed on the appellants is reduced to the period already undergone by them. However, the sentence of fine will remain the same.

13. Pending applications, if any, stand also disposed of, accordingly.

04.05.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No