

2026:PHHC:080224



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

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CRA S-291-SB of 2005

Date of Decision: 20.05.2026

Amarjit Singh

...Appellant (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Sandeep Chopra, Advocate, for the appellant.

Mr. Amit Rana, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The appellant has filed the present appeal against the impugned judgement of conviction and order of sentence dated 03.02.2005 passed by the Court of Additional Sessions Judge, Fast Track Court, Ferozepur, whereby, the appellant was held guilty for the commission of offence punishable under Sections 326 of IPC and was sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1500/- alongwith default stipulation.

2. Briefly stated the facts of the prosecution case are that on 29.06.2004, after receipt of questy at Police Station Mamdot as to the admission of Des Singh son of Bishan Singh resident of Village Dila Ram in an injured condition in Civil Hospital Mamdot, ASI Rakesh Kumar reached Police Station Mamdot and collected MLR and, thereafter, visited Civil Hospital Mamdot. There he sought opinion of the doctor concerned as to the fitness of Des Singh for making statement. When the doctor declared Des Singh fit to make the

statement, he recorded the statement of Des Singh in which the injured reported that they are five brothers. Three out of them are residing in Railway Quarter No.5 in Village Dila Ram. On 28.06.2004, at about 09.00 p.m., he and his younger brother Satnam Singh were on the way to their fields for the purpose of irrigation. When they were passing by the house of Mohinder Singh and Sher Singh, sons of Tara Singh, residents of the same village, his younger brother, Satnam Singh, was ahead of him, accused Amarjit Singh, son of Mohinder Singh, came from behind and gave a *gandasa* blow on the back of his head in the middle extending to his neck. In the meantime, Roor Singh and Boor Singh, sons of Suraj Singh, residents of the same village raised *lalkara* addressed to accused Amarjit Singh that he (complainant) be not allowed to escape un-hurt and be taught a lesson for keeping an eye on their plots. He (complainant) raised *raula* of 'Mar-ditta-mar-ditta' at which his brother Satnam Singh came to him running. On seeing him, the accused ran away from the place of occurrence. The motive of the crime is that they (complainant side) are residing in the plots of panchayat by constructing houses. They have dispute concerning plots with Mohinder Singh and Sher Singh sons of Tara Singh and due to this accused had caused injuries to him.

3. After the presentation of *challan*, the appellant was charge-sheeted for the offences punishable under Sections 307, 324, 323 and 34 of IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined Des Singh (complainant) as PW1, Dr. Renu Singla as PW2, Satnam Singh as

PW3, Yashpal Behl, Draftsman as PW4, ASI Rakesh Kumar, the Investigating Officer, as PW5 and Dr. Deepak Chander as PW6. Thereafter, the evidence of the prosecution was closed.

5. After closure of the evidence, the statement of the appellant was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case.

6. In defence, the appellant/accused examined Dr. Renu Singla, DW2 Jajbir Singh Sandhu and DW3 Dr. Gurpreet Singh and, thereafter, closed the defence evidence.

7. At the very outset, learned counsel for the appellant submits that he does not wish to challenge the judgement of conviction passed against the appellant by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the appellant has not challenged the judgement of conviction, still, this Court has considered the case on merits.

8. Learned State counsel submits that the appellant does 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 order to prove the case of the prosecution, Des Singh, complainant, appeared as PW1, and had fully supported the case of the prosecution. He was cross-examined at length, but his testimony could not be shaken in any manner. His statement was further corroborated by

the testimony of PW3 Satnam Singh and the testimonies of PW1 Des Singh and PW3 Satnam Singh coupled with the medical evidence had fully proved the case of the prosecution in the present case. Still further, the prosecution further examined PW6 Dr. Deepak Chander, who had conducted the medico-legal examination of deceased Des Singh on 28.06.2004 and observed the following injuries on his person:-

“Vertical incised wound of about 20 cm x 1 cm which was present left towards the mid line over the scalp extending from occipital region of skull to the neck and to the inter scapular region. Skull bone exposed and massive fresh bleeding present alongwith blood stains present over the cloth. On palpation tenderness was present and movement were painful in the neck and advised x-ray occipital region”.

Probable duration of injury was reported as within six hours and the kind of weapon used was sharp. This witness proved MLR in this respect as Ex.P11 and pictorial diagram showing the seat of injury as Ex.P11/A. As per this witness on receipt of x-ray report qua aforesaid injury vide Ex.P13 he declared the injury as dangerous to life. Still further, the X-ray report Ex. P3 was proved by PW2 Dr. Ram Niwas who brought the record of skiagrams Ex. P3/A to Ex. P3/C which showed that there was a fracture of occipital bone on the person of Des Singh. Further, in the present case, in pursuance of the disclosure statement Ex. P-7 suffered by the accused, *gandasa* was recovered vide memo Ex. P-9. Even, the *gandasa* was in exclusive knowledge of the accused in the present case. The prosecution further examined PW4 Yash Pal Bansal, who proved the scaled site plan of the place of

occurrence as Ex. P4 and ASI Rakesh Kumar PW5 had proved the investigation in the present case. Even, the prosecution had led sufficient evidence to show that the appellant had committed the offence under Section 326 IPC. Even otherwise, I have carefully gone through the judgment passed by the learned trial Court and found 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 appellant is facing the agony of trial/appeal since 29.06.2004, i.e., for the last more than 21 years. The appellant is a first time offender and is not involved in any other crime. As per custody certificate, appellant, has already undergone 06 months and 17 days out of maximum sentence of three years. The sentence imposed upon the appellant was ordered to be suspended by this Court vide order dated 11.02.2005 and for the last about 21 years, he has maintained good conduct and has not misused the concession in any manner. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the appellant is reduced to the period already undergone by him.

12. With the above modifications, the present appeal is partly allowed and the impugned judgement of conviction and order of sentence dated 03.02.2005 passed by the Court of Additional Sessions Judge, Fast Track Court, Ferozepur, is upheld, whereas, the sentence imposed on the appellant is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

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

20.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No