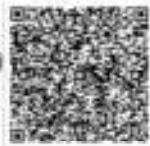


2026.PHHC.043440



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201
CRA S-314-SB of 2006
Date of Decision: 18.03.2026

Karnail Singh and others
Vs.
State of Punjab
...Appellants (s)
...Respondent(s)

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

Present : Mr. Vishal R. Lamba, Advocate for the appellants.
Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement and order dated 08.02.2006 passed by the Court of Additional Sessions Judge, Bathinda, whereby, appellant Karnail Singh has been held guilty for the commission of offence punishable under Section 307 of IPC, whereas the remaining appellants, namely, Jarnail Singh, Malkiat Singh and Gurjant Singh have been convicted for the commission of offence punishable under Section 307 read with Section 34 of IPC. All the accused have further been held guilty for the commission of offences punishable under Sections 323 and 341 of IPC and sentenced as under:-

Sr. No.	Name of Convict	Offence for which Convicted	Substantive Sentence Awarded	Fine Amount Awarded
1.	Karnail Singh	U/S 307 IPC	RI for 4 Years	₹4,000/-
		U/S 323 IPC	RI for 6 Months	Nil
		U/S 341 IPC	SI for 6 Months	Nil

In default of payment of fine, to further undergo RI for 08 months.

Sr. No.	Name of Convict	Offence for which Convicted	Substantive Sentence Awarded	Fine Amount Awarded
2.	Jarnail Singh	U/S 307/34 IPC	RI for 2-1/2 Years	₹3,000/-
		U/S 323 IPC	RI for 6 Months	Nil
		U/S 341 IPC	SI for 6 Months	Nil
In default of payment of fine, to further undergo RI for four months.				

Sr. No.	Name of Convict	Offence for which Convicted	Substantive Sentence Awarded	Fine Amount Awarded
3.	Malkiat Singh	U/S 307/34 IPC	RI for 2-1/2 Years	₹3,000/-
		U/S 323 IPC	RI for 6 Months	Nil
		U/S 341 IPC	SI for 6 Months	Nil
In default of payment of fine, to further undergo RI for four months.				

Sr. No.	Name of Convict	Offence for which Convicted	Substantive Sentence Awarded	Fine Amount Awarded
4.	Gurjant Singh	U/S 307/34 IPC	RI for 2-1/2 Years	₹3,000/-
		U/S 323 IPC	RI for 6 Months	Nil
		U/S 341 IPC	SI for 6 Months	Nil

2. The brief facts of the case are that the FIR in the present case was registered on the basis of the complaint submitted by Jaspal Kaur, who stated that she along with Nirmal Kaur were going to purchase domestic articles towards bus stand Lehra Dhurkot and after reaching near house of Malkiat Singh Sarpanch at about 2 PM, they found Jarnail Singh and Karnail Singh accused each armed with handle of the hand pump, but Malkiat Singh armed with *Tokki* and Gurjant Singh empty handed present there. These persons were encircling Naib Singh. When Naib Singh tried to come on the metalled road, then all these persons after giving push to Naib Singh threw him on the ground, but Naib Singh after falling again got up and tried to fled away. Then Karnail Singh gave blow with handle of the hand pump, which hit Naib Singh on right side of head. Naib Singh fell on the ground and then Bantu @ Gurjant Singh dragged Naib Singh on ground, after holding him from his legs. Complainant alongwith Nirmal Kaur proceeded

ahead to save Naib Singh, but Karnail Singh gave push to complainant, due to which, she fell on the ground. Then Malkiat Singh gave blunt side *Tokki* blow which hit Naib Singh on left leg below knee. When Nirmal Kaur tried to save Naib Singh from clutches of accused, then Karnail Singh gave blow with handle of hand which hit Nirmal Kaur in middle of the left arm. *Tokki* blow given by Malkiat Singh hit Nirmal Kaur in head from blunt side. Then Gurjant Singh @ Bantu gave push blow to Nirmal Kaur, due to which she fell on the ground and sustained injuries on the back. Complainant came forward for saving Naib Singh by fall on his person. Then Malkiat Singh gave blunt side *Tokki* blow which hit complainant on back side of right leg and also on back of the left leg. *Tokki* blow given by Malkiat Singh from reverse side hit Jaspal Kaur on back of the shoulder, due to which she fell on the ground. Then complainant alongwith Nirmal Kaur raised alarm, on hearing, persons from the neighbourhood reached on the spot. Thereafter, all the assailants fled away with their respective weapons. However, while fleeing accused threw brick bats. After arranging vehicle Hakam Singh took injured to Civil hospital Rampura.

3. Naib Singh was in serious condition and as such he was referred to D.M.C.Ludhiana for treatment. Dispute regarding manure heaps was going between Naib Singh and Karnail Singh and that is why, occurrence took place. After recording this statement endorsement made, on which present FIR was registered. Site plan of place of occurrence was prepared at the instance of Jagtar Singh itself on 5.8.2004. Accused were produced by ASI Darshan Singh and they were arrested. Handle of

hand pump as produced by Jarnail Singh was taken in possession through recovery memo.

4. As per the opinion of the doctor, the injury on the person of Naib Singh which was caused by Karnail Singh, petitioner, was declared to be dangerous to life and the offence under Section 307 IPC was added. On disclosure statement of Malkiat Singh, *Tokki*, used in the crime was recovered. After completion of necessary investigation, the *challan* was presented against the petitioners.

4. After the presentation of *challan*, the trial Court found that a *prima facie* case under Sections 307, 323, 341 and 34 of IPC was made out against the appellants and they were ordered to be charge-sheeted accordingly. However, the appellants pleaded not guilty and claimed trial.

5. During the course of trial, the prosecution examined eight witnesses, PW-1 Dr.Krishan Kumar, Medical Officer, PW-2 Nirmal Kaur, PW-3 Dr. Upasna, PW-4 Jaspal Kaur, PW-5 Naib Singh, PW-6 ASI Darshan Singh, PW-7 ASI Rup Singh and PW8 Balbir Singh and, thereafter, the prosecution evidence was closed.

6. After the prosecution had concluded the evidence, the entire incriminatory evidence was put to the appellants in the shape of their statements under section 313 Cr.P.C., to which they denied all the allegations and the evidence and stated that they had been falsely involved in the present case and they were not present at the place of occurrence.

7. In the defence, the appellants examined four witnesses, namely, Paramjit Kaur as DW1, Bahadur Singh as DW2, Bikram

Bahadur as DW3 and Madan Lal and HC Ram Lal No 1627/Sangrur as DW4 and closed the evidence.

8. During the course of arguments, learned counsel for the appellants submits that he does not wish to challenge the judgement of conviction, however, some leniency may be shown while awarding the sentence to the appellants.

9. Even though learned counsel for the appellants does not wish to challenge the conviction, however, this Court has considered the case on merits.

10. In the present case, the prosecution examined Nirmal Kaur injured as PW2, Jaspal Kaur injured as PW4, and Naib Singh injured as PW5, who had fully supported the case of the prosecution and explained the injuries suffered by them at the hands of the petitioners. The prosecution further examined PW-1 Dr. Krishan Kumar, who conducted medico legal examination of PW2, PW4 and PW5 and claimed that all the injuries found on person of these injured were caused by blunt weapon within duration of six hours. Copy of M.L.R. of Naib Singh Ex.PA with pictorial diagram Ex.PA/1, and copy M.L.R. of Nirmal Kaur Ex.PB, with pictorial diagram Ex.PB/1 as well as copy of M.L.R. Jaspal Kaur Ex.PC, with pictorial diagram Ex.PC/1 stood proved by of pictorial diagram. The prosecution has further examined PW-7 ASI Rup Singh, who was the IO in the present case. He had conducted the initial investigation in the present case and recorded the statement of the complainant. Still further, in the present case injuries were caused by the petitioners as there was a dispute regarding the manure pit site between the parties. Again the three witnesses, i.e., PW2 Nirmal Kaur, PW4

Jaspal Kaur and PW5 Naib Singh were examined to show that there was no evidence of such a dispute. However, there could not have been any documentary evidence with regard to the dispute over the manure pit. Still further, the injuries suffered by PW2 Nirmal Kaur, PW4 Jaspal Kaur and PW5 Naib Singh were proved by the testimony of Dr. Krishan Kumar, Medical Officer, who proved the MLR's of all the three injured. Still further, vide opinion Ex. PH/1, PW1 Dr. Krishan Kumar had declared that the head injury could be possibly caused with iron handle of a hand pump and all the injuries were possible with the weapons carried by the petitioners. Apart from that, the injuries suffered by Naib Singh injured was declared to be dangerous to life. Even all the prosecution witnesses were cross-examined at length, however, their testimonies could not be shattered in any manner. Thus, the trial Court had rightly convicted the petitioners for commission of the offences punishable under sections 307, 323, and 324 IPC. Even otherwise, I have gone through the judgment passed by the trial Court and find no infirmity, illegality, or perversity in the same and the judgment passed by the trial Court is liable to be upheld.

11. Now, advertng to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioners are facing the ordeal of investigation, trial, and appeal since 02.08.2004, i.e., for the last more than 21 years. Even, as per the custody certificates supplied by the learned State counsel, the petitioner No. 1 Karnail Singh is about 59 years, petitioner No. 2 Jarnail Singh is aged 63 years, petitioner No. 3 is aged about 48 years, and petitioner No. 4 Gurjant Singh was aged about 19 years at the time of decision by the trial Court, i.e., in February 2006.

Consequently, at present, the petitioners No. 1, 2 and 3 are senior citizens. Gurjant Singh is stated to have joined Indian Railways and was a young boy aged 19 years at the time of alleged occurrence. Still further, petitioner No. 1, Karnail Singh, has already undergone about more than one year and three months of actual custody out of maximum sentence of four years, whereas petitioner No. 2 and 3, namely Jarnail Singh and Malkiat Singh, have already undergone about four months of actual custody out of maximum sentence of two and a half years. Consequently, the sentence imposed on the petitioners No. 1, 2 and 3 is reduced to the period already undergone by them. However, the petitioner No. 1 Karnail Singh is directed to deposit a sum of Rs. 1 lakh , whereas petitioners No. 2 and 3, Jarnail Singh and Malkiat Singh are directed to deposit a sum of Rs. 50,000/- each as amount of fine in the Court of Chief Judicial Magistrate, Bathinda. The amount of fine deposited by petitioners No. 1 to 3 shall be paid to the three injured, namely Naib Singh, Nirmal Kaur, and Jaspal Kaur, against receipt and after proper identification. Naib Singh shall be paid Rs. 1 lakh as compensation, whereas Nirmal Kaur and Jaspal Kaur will receive a sum of Rs. 50,000/- each as compensation out of fine amount deposited by the petitioners No. 1, 2 and 3. In case, the amount of fine is not deposited by the petitioners No. 1 to 3 within a period of six weeks from today, the present petition shall be deemed to be dismissed.

12. So far as the case of Gurjant Singh alias Bantu son of Malkiat Singh, petitioner No. 4 is concerned, he was aged about 19 years and was empty-handed at the time of occurrence. Now, the Court has been informed that he is employed by Indian Railways and, thus, he

is in government service. Consequently, the respondent No. 4 is ordered to be released on probation subject to the following conditions:-

1.

He shall maintain peace and good behaviour during the probation period and shall not commit any offence for a period of one year from the date of passing of this order.
2.

He shall appear before the Court and report to the Probation Officer as and when directed.
3.

He shall not make any contact with the victim/complainant or any prosecution witness.
4.

He shall reside at the address furnished to the Court and shall inform the Probation Officer of any change in residence.
5.

He shall perform community service as may be assigned.
6.

He shall execute a personal bond with surety to the satisfaction of the trial Court, undertaking to comply with the aforesaid conditions.
13.

Disposed off with the above directions.
14.

All pending applications, if any, are disposed off, accordingly.
15.

The case property, if any, may be dealt with as per the rules.

18.03.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No