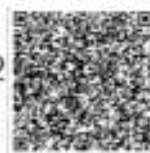


2026:PHHC:084952



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

106

CRA S-7-SB-2005

Date of Decision: 26.05.2026

Shingara Singh and others

...Appellants (s)

Vs.

State of Haryana

...Respondents(s)

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

Present : Mr. Vikram Singh, Advocate
for the appellants.

Mr. Parmod Kumar, AAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement of conviction dated 14.12.2004 and order of sentence dated 15.12.2004 passed by the Court of Additional Sessions Judge (Fast Track Court) Karnal, whereby, the appellants were ordered to be acquitted for the commission of offence punishable under Section 447 of IPC, whereas, they had been ordered to be convicted for the commission of offences punishable under Sections 148, 307, 324, 323 read with Section 149 of IPC and sentenced as under:-

“Under Section 148 of the Indian Penal Code: to undergo rigorous imprisonment for a period of two years .

Under Section 323 read with Section 149 of the Indian Penal Code: to undergo rigorous imprisonment for a period of one year..

Under Section 324 read with Section 149 of the Indian Penal Code: to undergo rigorous imprisonment for a period of one year.

Under Section 307 read with Section 149 of the Indian Penal Code: to undergo rigorous imprisonment for a period of four years and to pay a fine of Rs.1,000/- each. In default of payment of fine, the accused/convicts shall further undergo rigorous imprisonment for a period of three months.

2. During the pendency of the present appeal, Shingara Singh, appellant No. 1 and Swaran Singh @ Poppa, appellant No.2, have expired and appeal qua them already stands abated.

3. The brief facts of the prosecution case are that on 15.07.2002 on receipt of a medical intimation in the Police Station Assandh from Community Health Centre, Assandh, regarding admission of Varinder Singh alias Pala son of Chandan Singh (complainant) resident of Popra there with three fire arms injuries. Sub Inspector Jagdev Singh alongwith Head Constable Shamer Singh reached at Community Health Centre, Assandh, and after seeking opinion of Dr. Kulbhushan, Medical Officer, regarding fitness of Varinder Singh to be fit to make statement, statement of Varinder Singh (complainant) was recorded in which he *inter-alia* stated that he is an agriculturist by profession. His uncle had no issue/son and due to this reason son of his *Bua* (aunt), namely, Pirthi alongwith his children settled on the land on the share of his maternal uncle (Prithi) in village Popra and sons of his *Bua* (aunt), namely, Dharam Singh and Amar Singh sold away land measuring 37

Kanals 4 marlas of their share to one Satbir Singh son of Banwari etc. in the year 1996. Nephews of Amar Singh and Dharam Singh, namely, Isham Singh, Balkar and Surinder Singh had filed a civil suit in District Court Karnal and obtained a stay order. On 15.07.2002 at about 6.00 p.m. in the evening accused Satbir Singh, Ramesh and Suresh sons of Banwari, Surinder son of Jai Singh, all residents of village Popra armed with *lathis* and *gandasis* in their respective hands, accused Shingara son of Udhey Singh resident of village Mandhwal armed with double barrel gun, Sinder son of Dilbagh Singh resident of village Kheri Sarafali armed with double barrel gun, accused Swaran Singh alias Popa son of Puran Mazhbi Sikh resident of Kheri Sharafali armed with a sword besides 7-8 other persons having *lathis* and *gandasis* in their respective hands came at the disputed land in a trolley as well as SUMO and after reaching there the said persons started ploughing the said piece of land in which Jawar crops was standing. On seeing them, the complainant along with Ramesh son of Chattar Singh, Bir Singh son of Ramji Lal, Sultan son of Chuhria, Balwan son of Phool Singh, Surinder son of Sewa, Isham Singh son of Pirthi, Balkar and their ladies came at the spot and stopped the said person from ploughing the disputed land. Those accused had come at the disputed land with their common object of ploughing the disputed land and they suddenly started inflicting *lathis*, sword and *gandsis* blows on them. Accused Shingara Singh fired a gun shot from his gun at the complainant as a result of which two pellets hit him i.e. one hit on his left thigh and the other hit on his left shoulder. Accused

Surinder Singh fired various shots towards them. The complainant party then raised hue and cry, which attracted many persons at the spot. While running from the spot, the accused caused injuries to other members of the complainant party including women folk and when the people assembled at the spot the accused ran away on their tractor and SUMO leaving the trolley there. The complainant party also caused injuries to the accused in their defence. Thereafter, one Balwinder son of Mehar Singh resident of village Popra took the complainant to Community Health Centre, Assandh for his treatment. The accused assaulted the complainant with the intention to kill him.

4. After the necessary investigation, the *challan* was presented before the Court of Area Magistrate and since the offence was triable by the Court of Sessions Judge, the case was committed to the Court of Sessions Judge Karnal.

5. During the course of trial, the trial Court found *prima-facie* case under Sections 148 and 307, 324, 323 read with Section 149 and 447 of the Indian Penal Code and the charge was accordingly framed. However, the appellants pleaded not guilty and claimed trial.

6. In order to prove its case, the prosecution examined Mr. S.H. Sehgal, Medical Officer, Community Health Centre, Assandh, as PW1, Mr. Rakesh Girdhar, Medical Officer, General Hospital, Chandigarh, as PW2, Mr. Sukhwinder Singh, Photographer, as PW3, Dr. Kulbhushan Mehta, Medical Officer, Community Health Centre, Assandh, as PW4, Mr. Varinder Kumar alias Pala, complainant, as PW5, Mrs. Surekha as PW6, Mr. Isham Singh as PW7, Mr. Sultan Singh as

PW8, Mr. Khushi Ram as PW9, Mr. Ram Phal, Halqa Patwari as PW10, Mr. Ram Chander, Mohrrir Head Constable, as PW11, Mr. Balwan Singh, Head Constable, as PW12, Mr. Om Parkash, Assistant Sub Inspector as PW13, Mr. Jagdev Singh, Sub Inspector/investigating officer, as PW14 and Mr. Ram Diya, Ahlmad of the Court of Civil Judge (Junior Division), Karnal, as PW15 and, thereafter, the evidence of the prosecution was closed.

7. After closure of the prosecution evidence, the statements of the appellants/accused were recorded under Section 313 Cr.P.C., and the appellants denied all the allegations levelled against them and pleaded that they had been falsely involved.

8. In defence, the appellants examined Chain Singh, clerk from the office of Sub Divisional Magistrate, Safidon, as DW1, Dayal Chand, Registry Clerk from the Office of Tehsildar, Assandh, as DW2 and Mahinder Pal, Naib Tehsildar as DW3, and thereafter, after tendering certain documents in evidence, closed the defence evidence.

9. At the very outset, learned counsel for the appellants submits that 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 judgements of conviction, still, this Court has considered the case on merits.

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

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

12. In the present case, PW1 Dr. H. Sehgal medico-legally examined Roshni, Surekha, Surinder and Isham Singh on 16.07.2002 and also sent *ruqqa* to the police. PW2 Dr. Rakesh Girdhar radiologically examined injured Varinder. PW3 Sukhwinder Singh took photographs of the trolley. PW4 Dr. Kulbhushan Mehta medico-legally examined Varinder on 15.07.2002. PW10 Ram Phal Halqa Patwari had prepared site plan Ex. PN of the place of occurrence. PW11 Ram Chander was posted as Mohrrir, Head Constable, at the relevant time with whom Investigating Officer Jagdev Singh had deposited the case property. PW12 Head Constable Balwan Singh had deposited the sealed parcels containing double barrel guns, live cartridges and two empty cartridges in the Office of Director, Forensic Science Laboratory, Madhuban. PW13 Assistant Sub Inspector Om Parkash had recorded first information report Ex. PK/1 on receipt of *ruqqa*. PW14 Sub Inspector Jagdev Singh was the investigating officer of present case, who proved the steps taken by him during the course of investigation. PW15 Ram Dia Ahlamd of the Court of Civil Judge, Junior Division, Karnal had brought the summoned record of Civil Suit No. 206 of 2004. The prosecution also examined PW5 Varinder Kumar @ Pala, complainant, PW6 Surekha, injured, PW7 Isham Singh, injured, PW8 Sultan Singh and PW9 Khushi Ram, who had fully supported the case of the prosecution. From the statements of the aforesaid witnesses, it can be safely concluded that the appellants were rightly held guilty for the

commission of the offences punishable under Sections 148, 307, 323, 324 read with Section 149 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.

13. Now adverting to the order of quantum of sentence, this Court has noticed that the appellants No.2, 3 & 5 to 7 are facing prosecution since 16.07.2002, i.e., for the last more than 23 years. Even, appellant No.2 Surinder Singh @ Sinder Singh has undergone 05 months and 26 days of actual custody; appellant No.3 Surinder Singh has undergone 02 months and 19 days of actual custody; appellant No.5 Satbir Singh has undergone 02 months and 06 days of actual custody; appellant No.6 Ramesh has undergone 02 months and 19 days of actual custody; and appellant No.7 Suresh has undergone 02 months and 19 days of actual custody out of the total sentence of 04 years awarded to them, as per their custody certificates. They are the first time offenders and have not involved in any other criminal activity. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on them is reduced to the period already undergone by them. However, the amount of fine is enhanced to Rs.30,000/- each, which shall be deposited by appellants No.2, 3 and 5 to 7 as compensation before the Court of the concerned Chief Judicial Magistrate within a period of two months from today. Out of the amount so deposited, a sum of Rs.1,00,000/- shall be paid by the concerned Chief Judicial

Magistrate to Varinder Kumar @ Pala, injured/complainant, and a sum of Rs.10,000/- each shall be paid to Roshni, Surekha, Sultan Singh and Isham, all injured in the present case, after proper verification and against receipt. In case appellants No.2, 3 and 5 to 7 fail to deposit the aforesaid amount within the stipulated period of two months, the present appeal shall stand dismissed automatically.

14. With the above modifications, the present appeal is partly allowed and the impugned judgement of conviction dated 14.12.2004 and order of sentence dated 15.12.2004 passed by the Court of Additional Sessions Judge (Fast Track Court) Karnal, are upheld, whereas, the sentence imposed on the appellants No.2, 3 and 5 to 7 is reduced to the period already undergone by them. The amount of fine is enhanced as mentioned above.

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

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

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

26.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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