



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

CRA-S-2158-SB-2003
Date of Decision:12.05.2026

Satnam Chand

...Appellant

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Neeraj Malhotra, Advocate
for the appellant.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Aditya Sanghi, Advocate
for the complainant.

N.S.Shekhawat J.

1. The appellant has filed the present appeal against the impugned judgment of conviction and order of sentence dated 15.10.2003, passed by the Court of Additional Sessions Judge, Fast Track Court, Ferozepur, whereby the appellant was ordered to be convicted for the offences punishable under Sections 307 IPC and Section 27 of Arms Act and was sentenced accordingly.

2. The brief facts of the present case are that on 02.12.2001, Kikh Raj son of Des Raj resident of village Jhotian Wali met ASI Baj Singh alongwith Sarpanch Tek Chand and recorded his statement to him. In his statement, he reported that on 02.12.2001 they went to the fields for preparing land for sowing crop. They had taken the turn of water from Bhajan Singh and Sarabjit Singh which was from 6 P.M. to 1.30 P.M. He and his uncle Kharait Lal took turn of water at 6.30 P.M. At about 9 P.M. the flow of water decreased suddenly. Therefore, he and his uncle Kharait Lal had gone back to see the



reason for the decrease of water supply and saw Satnam Chand son of Saudagar Ram armed with 12 bore gun, his wife Sheela Rani empty handed and his sons Cheena @ Mandeep and Neelu armed with gandasa each, Dalip Singh son of Tota Singh @ Chanan Singh and Chanan Singh son of Gulab Singh armed with spade sitting near the hand pump by the side of metaled road turning the water supply to their own fields. It was a moon lit night. He and Kharait Lal asked them as to why they had turned the water supply to their fields, at this Sheela Rani raised lalkara that their enemy Kharait Lal had come in their hands so he be not allowed to escape. At this Cheena @ Mandeep and Neelu caught hold of him (complainant) from his arms whereas Dalip Singh and Chanan Singh stood around him armed with spades. Meanwhile, Satnam Chand aimed his gun towards his uncle who raised alarm "No Mari Na Mari" by raising up his right hand, but Satnam Chand fired a shot from his gun straight at him with intention to kill him hitting his right hand as a result of which he fell down. Satnam Chand fired another shot at him while he was lying on the ground which passed off over without hitting him. They raised raula "Mar Ditta Mar Ditta" and accused ran away from the spot with their respective weapons. He removed his uncle Kharait Lal to the dhani of Bhajan Singh and Sarabjit Singh from where they requisitioned a vehicle Tata Sumo by ringing up. They also gave information at their home as to the incident through telephone pursuant to which Harjinder Kumar son of Kishan Lal followed them. On the coming of vehicle Tata Sumo he and Harjinder Kumar removed Kharait Lal to Civil Hospital for treatment where doctor referred him to DMC, Ludhiana after giving him first-aid. Motive behind the inflication of injury to Kharait Lal was that about a year back there was a fight between Kharait Lal and Satnam Chand



etc. Satnam Chand had got registered a case against Kharait Lal and others which is pending in the court. Due to that grudge aforesaid accused fired shot at Kharait Lal with intention to kill him. After recording the aforesaid statement. ASI sent the same to the Police Station on the basis of which put the law in motion. After completion of investigation and other formalities, challan against the accused Satnam Chand and Mandeep Kumar was presented in the Court of Ilaqa Magistrate. Remaining accused namely Sheela Rani, Anil Kumar, Dalip Chand and Chanan Singh were put in column No.2.

3. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 307/148/149 of IPC and Section 27 of Arms Act was made out against the appellant and he was charge-sheeted accordingly. However, he pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the appellant, the prosecution examined 10 witnesses.

5. After the closure of the prosecution evidence, the statement of appellant was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he had been falsely involved in the present case. In defence, no defence evidence was led by the appellant except *Wara Bandi* Ex.DB.

6. At the very outset, learned counsel appearing on behalf of the appellant submit that he does not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding the sentence to him. Even though, learned counsel for the appellant has not challenged the judgment of conviction, still this Court has considered the case



on merits.

7. I have heard the learned counsel for the parties and with their able assistance; I have gone through the trial Court record carefully

8. In the present case, the prosecution has examined PW-1 Milkh Raj, who had fully supported the case of the prosecution. His testimony was duly corroborated by PW-2 Kharait Lal. Both the witnesses were cross-examined at length, but they withstood the test of cross-examination and their testimonies were duly corroborated by the medical evidence. Dr. Yashpal was examined as PW-3, who had examined Kharait Lal, injured and found the following injuries on his person:-

1.Lacerated wound 14 cm X 5 cm on right hand dorsal surface, bone deep and involving the ring finger and reaching on its palmer aspect. Under lying bone and muscles, vessels and nerves were lacerated. Advised X-ray”.

He gave probable duration of injury within 12 hours. He proved MLR in this respect as Exhibit P-3 and pictorial diagram showing seat of injury as Exhibit P-3/A. He also proved his opinion on police request Exhibit P-4 declaring injured fit to make statement and reference of injured to DMC Ludhiana for surgical report vide his endorsement Exhibit P-4/A.

9. The prosecution further examined PW-4 Dr. Gurinder Singh, who stated that on 02.12.2001 at 05:10 A.M patient Kharait Lal came to him for treatment of wound on his right hand. He admitted him in the hospital and recorded the injury on his person as under:-

“Wound was about 8 cm X 8 cm over the dorsum of right hand with soft tissue and bone loss. The wound had ragged edges with surrounding satellite wounds.



The wound was in direct communication with a laceration over the palmer aspect of the hand. Multiple metallic foreign bodies were seen in the wound”.

According to him the nature of the injury was grievous with duration as fresh. The injury was of fire arm. He proved the bed head ticket qua injured as Exhibit P5. The injury report prepared by him in the case is Exhibit P6. He further testified that on written request by the police he declared injured Kharait Lal unfit to make statement on 3.12.2001 at 2.20 P.M. He proved his report in this respect as Exhibit P7. Further, on 26.12.2001 on police request he declared injured Kharait Lal as fit to make statement vide his Endst. Exhibit P8. He further deposed that Kharait Lal was also operated upon by team of doctors of which he was a member. On 3.12.2001 patient underwent wound debridement and his ring finger was also amputated and little finger was brought nearer to the middle finger as otherwise there would have been impairment of functioning of hand. He proved first operation note in this respect as Exhibit P9 and second operation note whereby his wound was covered with a flap taken from his right groin as Exhibit P10. He also proved opinion given by Dr. Deepak Bhatti Exhibit P11 vide which he opined injured Kharait Lal as unfit to make statement on 17.12.2001. Ruqa sent to the Police Station by Dr.Sartaj Husan as to the admission of injured in the hospital was proved by him as Ex.P-12. Cross-examination of this witness failed to create any dent in his statement as Medical Officer.

10. Still further, the investigation in the present case was also proved by examining PW-5 HC Baldev Singh, PW-6 H.C Rachhpal Singh and PW-8 S.I Baj Singh.



11. From the evidence led by the prosecution it stood proved that the appellant had committed the offence under Section 307 IPC and Section 27 of Arms Act. Even otherwise, I have gone through the judgment passed by the Trial Court and find that there is no illegality, perversity or infirmity in the impugned judgment passed by the Trial Court and the impugned judgment of conviction is ordered to be upheld.

12. Now, adverting to the order of quantum of sentence in the present case, this Court cannot lost sight of the fact that the FIR in the present case was registered on 02.12.2001 and the appellant is facing the agony of trial/appeal for the last more than 24 years. As per the Custody Certificate, appellant has already undergone more than one year, 04 months and 30 days of actual custody. Apart from that, the sentence imposed on the appellant was ordered to be suspended by this Court on 07.09.2004 and in the past 21 years and he had maintained good conduct. Consequently, the order of sentence is modified to the extent that the sentence imposed on the appellant is reduced to the period already undergone by him in the present case. However, the amount of fine imposed on him is enhanced to Rs.1,00,000/- as compensation which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of two months from the date of receipt of certified copy of this order.

13. The amount of fine of Rs.1,00,000/-, which may be recovered from appellant, shall be paid to the injured namely Kharait Lal by the concerned Chief Judicial Magistrate as compensation against proper receipt and identification.

14. With the above modifications, the present appeal is partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence



imposed on the appellant is reduced to the period already undergone by him and the amount of fine imposed on him is enhanced to Rs.1,00,000/- which shall be deposited by him with the concerned Chief Judicial Magistrate within a period of two months from the date of receipt of certified copy of this order.

- 15. In case, the enhanced amount of fine Rs.1,00,000/- is not deposited by him as ordered, the present appeal shall be deemed to be dismissed.
- 16. Case property, if any, be dealt with, as per rules.
- 17. The Trial Court record be sent back, if any.

12.05.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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