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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-859-SB-2005(O&M)

Date of Decision: 17.03.2026

Chander Bhan and others

...Appellants

vs.

State of Haryana

...Respondent

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

Present : Mr. Deepender Singh, Sr. Advocate with
Mr. Dharamvir Singh, Advocate
Mr. Nipun Gupta, Advocate,
Mr. Meyank Sarpal, Advocate
Mr. Ram Kishan Rana, Advocate
for the appellants.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The appellants have filed the present appeal against the impugned judgment of conviction dated 06.04.2005 and order of sentence dated 15.04.2005 passed by the Court of Additional Sessions Judge, Fast Track Court, Gurgaon, whereby they were convicted for commission of offence punishable under Sections 323 and 307 of IPC read with Section 34 of IPC and were sentenced as under:-

Under Sections 307 read with Section 34 IPC	RI for five years and to pay a fine of Rs.2000/- each, in default of payment of fine, further undergo rigorous imprisonment for six months
Under Sections 323 IPC read with Section 34 IPC	RI for one year.



2. As per the prosecution case, on 11.10.2003, at about 11.45 am, Om Parkash son of Ami Lal came to the police post and lodged a report to the effect that on 11.10.2003, at about 10.30 am. he was present at his house. There is house of Ramphal in front of his house. He (Ramphal) started calling bad names while standing in the street (rasta). Complainant, Om Parkash took exception to the abuses. At this Ramphal, who was armed with a Sariya, inflicted Sariya blow on the head of the complainant and had the complainant not protected his head, he would have been killed by Ramphal. It is also alleged that lathi blow was also given on his back. Bugla wife of Ramphal gave danda blow on the back of the complainant. Daya gave danda blow on the head of the complainant. Consequently, complainant fell down unconscious. This report of Om Parkash was entered in the Daily Diary. The case was investigated. It may be mentioned that Investigating Officer had mentioned only initial report made by Om Parkash, one of the accused of this case and has not mentioned the facts, which transpired during investigation. During investigation, it transpired that Rampal son of Raghbir on 12.10.2003 lodged a report with the police to the effect that on 11.10.2003, he was present at his house and at about 10:30 am, he heard the noise "Bachao! Bachao!" and when he came out of his house, he saw that his brother was being assaulted by Inderjeet alias Kalu, Chanderbhan, Sukhbir, Om Parkash, Kamla, Ami Lal, Babli, Satbir, Chander Kala wife of Satbir and they had attempted to kill his brother Ramphal. It is also alleged that Inderjeet was armed with a kulhari. Chander Bhan was armed with iron rod. Sukhbir was armed with farsi, Om Parkash was armed with jaily. Kamla was armed with Daranti. Ami Lal was armed with Lathi. Babli was armed with



Daranti. Satbir was armed with lathi and Chander Kala was armed with wooden danda. They had caused dangerous injuries to his brother with their respective deadly weapons. It is also alleged that kulhari of Inderjeet inflicted injury on the head of the brother of the complainant. The accused remarked that brother of the complainant had previously also picked up quarrel and now they would finish him. The accused also asked the complainant to go away, otherwise, he would also be put to death. On hearing the alarm, Bugla etc. came to the spot. Accused went away. The injured was moved to Haily Mandi Hospital and then the injured was referred to Civil Hospital, Gurgaon where Ramphal injured was medico-legally examined. Opinion of the doctor was collected. The accused were arrested and on completion of the investigation, challan was put up. It may also mentioned that cross case against the complainant party namely Rampal etc. has also been put up by the police arising out of this very F.I.R. bearing No. 134 of 12.10.2003.

3. After the presentation of challan, the appellants were charge-sheeted for the commission of offence punishable under Sections 148/323/307/506 IPC read with Section 149 IPC, to which they pleaded not guilty and claimed trial.

4. In order to prove the case against the appellants, the prosecution examined 10 witnesses, namely, Raj Pal Singh Constable PW1, Ramphal PW2, Mohd. Hussain SI/SHO PW3, Rampal PW4, Dr. Sandeep Kumar PW5, Rajinder Singh, UDC PW6, Dr. Simendra Kumar PW7, Ved Pal ASI PW8, Dr. Karam Chand PW9 and Dr. Laxman Dass, PW10 and thereafter, the evidence was closed.



5. After closure of the prosecution evidence, the statements of the accused were recorded under Section 313 Cr.P.C. and they denied all the allegations and pleaded their innocence. It was stated that the complainant party was convicted under Section 307 IPC for causing injuries to Om Parkash in 1992 and thereafter, they made several attempts to effect compromise, but Om Parkash refused for the same and the complainant party was nursing a grudge against them and on this account, they had assaulted them and the present case was registered against the accused in collusion with the police.

6. In their defence, the appellants produced Dr. B.B. Aggarwal as DW-1 and Dr. Subhash Sandhu as DW-2 and closed their defence evidence.

7. At the very outset, learned counsel for the appellants submits that he does not wish to challenge the judgment of conviction passed against the appellants by the trial Court. Even though, learned counsel for the appellants has not challenged the judgment of conviction, still this Court has considered the case on merits.

8. Learned State counsel contended that the appellants do not deserve any 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, Raj Pal, Constable was examined as PW-1 and he stated that on 12.10.2003, he was posted in police post Haily Mandi and he had given ruqa to the police station for registration of the FIR. Ramphal, injured was examined as PW-2 and he had supported the case of the prosecution and narrated the entire sequence of events. The prosecution further examined PW-3



Mohd. Hussain, SI/SHO, who prepared the challan in the present case and presented the same before the Court. Rampal, PW4 was an eye-witness and supported the case of PW-2, Ramphal and had mentioned the vivid account of the entire occurrence. Dr. Sandeep Kumar was examined as PW5, who medico legally examined Ramphal on 11.10.2003 and found the following injuries:-

1. *Lacerated wound over occipital region 7 x 1.5 cm bone deep, fresh bleeding present.*
2. *Lacerated wound over right parietal region 10 x 1.5 cm bone deep, fresh bleeding present.*

Carbon copy of the medico-legal report (Ex.PB) was proved in the statement of this doctor. On application (Ex.PC) of the police, he opined that there was bilateral parietal fracture with left parietal extradural haemotoma. It is also opined by this doctor that the injuries are dangerous to life in the absence of medical aid and Ex.PC.

Opinion is proved in his statement. It is further stated that he sent ruqa (Ex.PD) regarding admission of Ramphal.

11. Rajinder Singh, UDC was examined as PW-6 and submitted that Ramphal was admitted on 11.10.2003 and was discharged on 21.10.2003 and proved on record the discharge report (Ex.PE/1). PW-7 Dr. Simendra Kumar placed on record the CT scan report (Ex.PF) and as per the report, there was fracture of both parietal bones with left parietal EDH with significant mass effect. Ved Parkash, ASI was examined as PW-8, who proved the investigation in the present case. PW9, Dr. Karam Chand saw the record and stated that he had not operated Ramphal. PW10, Dr. Laxman Dass had operated Ramphal on 12.10.2003 and he proved on record the operation notes (Ex.PX).



12. On the other hand, Dr. B.B.Aggarwal, DW1 conducted the x-ray examination of Om Parkash on 13.10.2003 and he found fractured on his right radius and proved report (Ex.DXX). Even x-ray films were on the file and were proved as Ex.PA/1 to Ex.PA/2. Dr. Subhash Sandhu, DW-2 stated that x-ray examination was conducted and the injured was discharged on 21.10.2003.

13. From the prosecution evidence, it was apparent that PW2, Ramphal was an injured witness and he had explained the role of all the appellants. His testimony was duly corroborated by Rampal PW4, who was also an eye-witness and it was also apparent that Chander Bhan, Sukhbir and Om Parkash had caused injuries to Ramphal with a common intention and the injury on the head of Ramphal was found dangerous to life and he had also suffered simple injuries. Thus, the appellants have been rightly held guilty under Sections 323, 307 read with Section 34 of IPC. Even otherwise, I have carefully gone through the judgment passed by the trial Court and find that there is no illegality or perversity in the impugned judgment passed by the trial Court.

14. Now, advertng to the order of sentence, it is apparent from the custody certificates that Chander Bhan, appellant No.1 has undergone more than 01 year and 01 month of actual sentence, whereas, Sukhbir, appellant No.2 has undergone about 11 months of actual custody and Om Parkash, appellant No.3 has undergone more than 01 year and 01 months of actual sentence, out to total sentence of 05 years. The Court is also conscious of the fact that all the three appellants are rustic villagers and have been facing the prosecution since 12.10.2003 i.e. for the last more than 22 years and are the first time offenders. Even the sentence imposed on them was suspended by this Court on 28.02.2006



and since then, they have maintained good conduct and have not been involved in any other criminal activity. This Court is of the considered opinion that a lenient view can be taken while imposing sentence on the appellants. Thus, the sentence imposed on the appellants is reduced to the period already undergone by them. However, the amount of fine imposed on them shall remain same.

15. With the above modifications, the present appeal is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the appellants is reduced to the period already undergone by them and the amount of fine imposed on them shall remain same.

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

17.03.2026
hemlata

(N.S.SHEKHAWAT)
JUDGE

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