



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

CRR-1880-2007
Date of Decision:13.03.2026

Jagdev Singh and Others ...Petitioners

Vs.

State of Haryana ...Respondent

(ii)

CRR-1909-2007

Baldev Singh ...Petitioner

Vs.

State of Haryana ...Respondent

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

Present: Mr. Anmol Partap Singh Mann, Advocate
for the petitioner in CRR-1880-2007.

Mr.Manvinder Sidhu, Advocate
for the petitioner in CRR-1909-2007.

Mr. Parmod Kumar, AAG, Haryana.

N.S.Shekhawat J.

1. This judgment shall dispose off two criminal revisions i.e **CRR-1880-2007** titled as “***Jagdev Singh and Ors. Vs. State of Haryana***” and **CRR-1909-2007** titled as “***Baldev Singh. Vs. State of Haryana***”, as both the petitions arising out of common impugned judgment of conviction dated 24.09.2007, passed by the Court of Additional Sessions Judge (Fast Track Court), Sirsa and the impugned judgment of conviction dated 13.02.2002 and order of sentence dated 14.02.2002, passed by the Court of Judicial Magistrate Ist Class, Sirsa, whereby the petitioners were ordered to be convicted for the offence punishable under Sections 323,324,326 r/w 34 of IPC.



2. The brief facts of the present case are that on 18.05.1996, a wireless message was received from police Station City Sirsa regarding the admission of Tika Singh in the hospital. Zile Singh S.I rushed to record the statement of the Injured and after obtaining the opinion of the doctor he recorded his statement, He stated that he is resident of Rori and is an Agriculturist by profession. On 17.05.1996 his brother Nihal Singh had gone to District Court, Sirsa to get Chanan Singh released on bail and when at about 5:00 p.m. he reached at bus stand Rori and was proceeding towards his house and when reached near New Grain market, Baldev Singh and Sindhoora singh had caused injuries to him. At about 9:30 p.m., when he was going to the house of Nihal Singh he found that Hazoora Singh and Makhan Singh were armed with *Gandassas*. On seeing him they started abusing him in filthy language. Makhan Singh gave a *gandassa* blow on his right elbow. Hazoora Singh also gave a *gandassa* blow on his right elbow. Jagdev Singh gave him a *gandassa* blow on his head. Hazoora Singh gave a *gandassa* blow on his right hand which hit him on his two fingers. Angrej Singh who is no more gave a *gandasa* blow on the left hand. Makhan Singh gave a *gandassa* blow on his right thigh. He fell down and then Jagdev Singh gave him a *gandassa* blow on his waist. He raised alarm which attracted Babu Singh and his son Himmat Singh at the spot. They also witnessed the aforesaid occurrence. When they were rescuing him, accused Hazoora Singh and Gurmail Singh also caused injuries to them. After this the complainant became unconscious. His father Preet Singh arranged a jeep and got him admitted in the General Hospital. The motive behind of this fight was that his brother Nihal Singh had gone to get released Chanan Singh on bail in



the District Court, Sirsa. On his this report the present case was registered in the police station. I.O rushed to the spot and prepared rough site plan. He also collected the MLR and x-ray report and also recovered the weapon of offence from the possession of the accused and prepared the rough site plan regarding recoveries of weapon of offence and also recorded the statement of the Pws under Section 161 Cr.P.C. After completing the necessary investigation applicants were challaned.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 323/324/326 r/w Section 34 of IPC was made out against the petitioners and they were charge-sheeted accordingly. However, the petitioners pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioners, the prosecution examined 07 witnesses. Preet Singh as PW-1, Dr. Dharmender Singh as PW-2, Dr. R.K Bishnoi as PW-3, Tika Singh complainant as PW-4, Babu Singh as PW-5, ASI Vir Bhan as PW-6 and Zile Singh SI/I.O as PW-7.

5. After the closure of the prosecution evidence, the statement of the petitioners under Section 313 Cr.P.C were recorded and all the incriminating evidence was put to them, however, they denied the same and pleaded false implication.

6. No defence evidence was led by the petitioners in the present case.

7. At the very outset, learned counsel appearing on behalf of the petitioners submit that they does not wish to challenge the impugned judgments of conviction and some leniency may be shown by this Court, while awarding



the sentence to them. Even though, learned counsel for the petitioners have not challenged the judgment of convictions, still this Court has considered the case on merits.

8. In the present case, the prosecution examined Preet Singh as PW-1, who stated that the accused had produced the weapons before the police and the same were taken into possession vide the memos Ex.PA to PF. The *Gandasas* were exhibited as Ex.P1 to Ex.P6. The prosecution further examined Dr. Dharmender Singh as PW-2, who stated that on 18.05.1996, he had conducted the medico-legally examined Tika Singh and found the following injuries on his person:-

“1.An incised wound 4 x 3 cm at the posterior aspect of the right side of elbow underline bone is cut. Fresh bleeding was present.

2.An incised wound 5 x 1 cm at the posterior lateral aspect of the right forearm below the elbow.

3. An incised wound 6 x 2 cm at the left side of parietal bone, bone deep. Fresh bleeding was present. X-ray was advised.

4. An incised wound 4 x 2 cm at the posterior aspect of the right side of little finger. Fresh bleeding was present. X-ray was advised.

5. An incised wound 3 x 2 cm at the posterior aspect of the left forearm muscle deep, fresh bleeding was present.

6. An incised wound 3 x 1 cm at the anterior aspect of the right thigh, superficial oozing was present.

7. Complaint of pain and tenderness was present on the back of abdomen and hip but no external injury mark was present.



Injuries No.1 to 6 were caused by sharp edged weapon, whereas, injury No.7 was caused by blunt weapon. On the same day, he medico-legally examined Babu Singh and found seven injuries on his person:-

- 1. An incised wound 8 x 2.5 cm at the anterior aspect of the left side of forearm, muscle deep, fresh bleeding was present. Advised x-ray.*
- 2. An incised wound 3 x 1 ½ cm at the ring finger of the left side, bone deep, underline bone was fractured, fresh bleeding was present. X-ray was advised.*
- 3. An incised wound 2 x 1 ½ cm at the anterior aspect of the left shoulder, muscle deep, fresh bleeding was present.*
- 4. An incised wound 2 x 1 cm with abrasion and contusion 4 x 1 cm at the posterior aspect of the right forearm, fresh bleeding was present.*
- 5. There is multiple brush as which are different size and shape at the posterior aspect of the abdomen.*
- 6. An incised wound 3 x 1 cm at the posterior aspect of the right shoulder, muscle deep.*
- 7. Reddish colour bruises at the anterior aspect of the right upper arm just below the shoulder joint, 6 x 3 cm, incised”.*

Injuries No.2 and 4 on the person of Babu Singh were declared grievous. On the same day, he medico-legally examined Himmat Singh, who had suffered one incised wound. Dr. R.K Bishnoi was examined as PW-3, who had conducted the X-Ray examination of Tika Singh and proved the X-Ray report as Ex.PW/3A. The report shows fracture right ulna bone upper part. He had conducted the X-Ray examination of Babu Singh also. The report regarding Babu Singh is Ex.PW3/B. The report shows fracture of middle and terminal flanges of left ring finger. He has further proved on record the X-Ray films



pertaining to Babu Singh as PW3/1 to 3 and X-Ray films of Tika Singh as Ex.PW3/4 to 6 and X-Ray film of Himmat Singh as Ex.PW3/7.

9. The prosecution further examined Tika Singh, injured as PW-4, on whose statement the FIR was registered. He supported the case of the prosecution while appearing as a witness. Babu Singh, injured was examined as PW-5 and also supported the testimony of PW-4. The prosecution further examined ASI Vir Bhan as PW-6, who proved the FIR Ex.PW4/B. Zile Singh was examined as PW-7, who had initially conducted the investigation and had recovered the *Gandasas* from the accused.

10. From the testimonies of the prosecution witnesses as mentioned, it established that at about 09:30 P.M on 17.05.1996, all the petitioners had caused injuries to Tika Singh, Babu Singh and Himmat Singh with *Gandasaas* and the injured had suffered grievous injuries also. Consequently, the petitioners have been rightly held guilty for the commission of offence punishable under Sections 323/324/326 r/w 34 of I.P.C. Even otherwise, I have carefully perused the findings recorded by both the Courts and find no illegality or perversity in the same and the impugned judgments of conviction are ordered to be upheld by this Court.

CRR-1880-2007

11. Now, advertng to the order of quantum of sentence, it is apparent from the record that Jagdev Singh petitioner No.1 has already undergone 07 months of actual custody, whereas, Makhan Singh petitioner No.2 has undergone more than 06 months of actual custody, whereas, Hazoora Singh, petitioner No.3 has undergone more than 06 months of actual custody. This



Court is also conscious of the fact that all the three petitioners are facing prosecution since 18.05.1996 i.e. for the last 29 years. Still further, the sentence imposed on the petitioners was suspended by this Court on 04.10.2007, however, they had not misused the concession of bail in any manner. Moreover, Jagdev Singh petitioner No.1 was aged about 40 years, Makhan Singh petitioner No.2 aged about 42 years and Hazoora Singh, petitioner No.3 aged about 75 years at the time of their conviction. Now, this revision is pending for the last more than 18 years and apparently, all the petitioners have turned senior citizens. Thus, no purpose will be served by sending them behind the bars and the order of sentence is modified to the extent that the sentence imposed on the petitioners is reduced to the period already undergone by them in the present case. However, amount of fine imposed on them shall remain the same.

12. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them and the amount of fine imposed on them shall remain the same.

CRR-1909-2007

13. Now, adverting to the order of quantum of sentence of Baldev Singh, Baldev Singh is also facing the agony of trial and appeal for the last 29 years. Even, the sentence imposed on Baldev Singh, petitioner was suspended by this Court on 09.10.2007. However, after suspension of sentence, he was involved in one more FIR No.17, dated 05.02.2020 under Section 22 of NDPS Act, Police Station Rori, District Sirsa and he remained in custody in the said case. Even prior to this, one more case under the provisions of NDPS Act was



also registered against him. However, since the petitioner is facing the agony of trial/appeal for the last 29 years, the sentence imposed on him is reduced to the period of nine months. The sentence already undergone by the petitioner shall be set off and he is directed to surrender before the Court of concerned Chief Judicial Magistrate within a period of four months from today, to undergo the remaining sentence.

14. The petition stands disposed of in above terms.

(N.S.SHEKHAWAT)
JUDGE

13.03.2026
hitesh

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