



204 (03 case)
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1921-2007
Date of Decision:13.03.2026

Baldev Singh ...Petitioner
Vs.
State of Haryana ...Respondent

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

Present: Mr.Manvinder Sidhu, Advocate
for the petitioner.

Mr.Parmod Kumar, AAG, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 24.09.2007, passed by the Court of Additional Sessions Judge (Fast Track Court), Sirsa and the impugned judgment of conviction dated 22.04.2002 and order of sentence dated 23.04.2002, passed by the Court of Judicial Magistrate Ist Class, Sirsa, whereby the petitioner was ordered to be convicted for the offence punishable under Section 326/324 of IPC.

Under Section 326/324 IPC	R.I for a period of one year and to pay a fine of Rs.1000, in default of payment of fine, to further undergo SI for a period of one month.
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2. In brief the case of the prosecution is that on 17.05.1996 a wireless message was received in the police station regarding the admission of Nihal Singh in Civil Hospital, Sirsa in injured condition. On this Budh Singh, ASI rushed to record the statement and moved an application before the doctor who



was attending him but the injured was not fit to make a statement then he again visited the hospital on 18.05.1996 and recorded the statement of the injured. He stated that he is the resident of village Rori and an agriculturist by profession. On 17.05.1996, he had gone to District Court, Sirsa because the bail matter of one Chanan Singh was to be taken on that day. When he came back from District Court, Sirsa and at about 4:45 P.M, he reached near Bus Stand Rori and was proceeding towards his house and when he reached near New Grain Market, Sandhoora Singh son of Chanan Singh @ Gattu and Baldev Singh son of Sandhoora Singh R/o Rori were present there. They were armed with *gandassas*. They abused him and thereafter Baldev Singh gave a *Gandassa* blow hitting on his left shoulder. Sandhoora Singh gave *gandassa* blow hitting on his right hand on his middle finger. He raised alarm which attracted Nohar Singh and Bhram Singh at the spot who rescued him and on seeing the arrival of these two PWs, accused managed to run away from the spot along with their respective weapons. The accused were having old enmity with this PW and this was the reason that they were bearing grudge against him and had caused injuries to him. On his statement, the present case was registered. The Investigating Officer rushed to the spot and prepared the rough site plan. He also collected the medico legal report & X- Ray report and arrested the accused and also took into possession the *gandassas* from their possession. After completing the investigation the accused were challaned.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 324/326 IPC was made out against the present petitioner and the petitioner was charge-sheeted accordingly.

However, the petitioner pleaded not guilty and claimed to be tried by the Trial



Court.

4. In order to prove the charge against the petitioner, the prosecution examined 08 witnesses. PW-1 Nihal Singh, complainant, PW-2 Teja Singh, PW-3 Preet Singh, PW-4 Veerbhan ASI, Dr.R.K Bishnoi as PW-6 since PW-4 has also been recorded as PW-5, Budh Singh ASI as PW-7 and Dr.Narender Chaudhary, District Medical Officer as PW-8.

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

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

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

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

9. During the course of trial, PW-1 Nihal Singh complainant proved the complaint Ex.P-1 made by him to the police and identified the accused. He had given the complete details of the injuries suffered by him at the hands of the petitioner. His statement has been duly corroborated by PW-2 Teja Singh @ Bahman Singh an eye witness of the present case. The prosecution further examined PW-8 Dr. Narinder Chaudhary, who proved on record the M.L.R



Ex.PW8/A and the skiagram as Ex.PW8/B. He proved medical ruqa Ex.PW8/D and the report with regard to the nature of injuries as Ex.PW8/C. The statement of this witness was further corroborated by PW-6 Dr. R.K Bishnoi, who proved on record the X-Ray report as Ex. PW6/A and X-ray films Ex.PW-6/1. He found that chip fracture was present on the shoulder of the injured. PW-3 Preet Singh proved the recovery of *Gandasas* from the petitioner and Sandhura Singh, which were taken into possession vide the separate recovery memos. PW-4 Veer Bhan ASI has proved the FIR Ex.PW3/A, which was registered by him. Still further, he had conducted initial investigation in the present case.

10. From the above referred evidence, it is apparent that the present petitioner was carrying a *gandasaa* and had caused injuries on the shoulder of the complainant Nihal Singh and the injuries were declared grievous in nature. Thus, the Trial Court as well as the Appellate Court had rightly convicted him for the commission of the offence punishable under Section 326 IPC and the impugned judgments passed by both the Courts are liable to be upheld by this Court. Even otherwise, this Court failed to point out any illegality or irregularity in the impugned judgments passed by both the Courts.

11. Now, advertng to the order of quantum of sentence, this Court is conscious of the fact that the present petitioner is facing prosecution in the present case since 18.05.1996 i.e. for the last 29 years. Even the sentence imposed on the petitioner was ordered to be suspended on 02.11.2007. 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. The amount of fine shall remain the same.

12. In view of the above, the order of sentence is modified to the extent that the sentence imposed on the petitioner is reduced to the period of nine months. However, amount of fine imposed on him shall remain the same.

13. The petition stands disposed of in above terms.

13.03.2026

hitesh

(N.S.SHEKHAWAT)
JUDGE

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