



218 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

CRR-368-2007 (O&M)
Date of Decision:06.04.2026

Mohni alias Gurbaksh Singh ...Petitioner

VS.

State of Haryana ...Respondent

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

Present : Mr. Vivek Goyal, Advocate with
Mr. Pardeep Sehrawat, Advocate
for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 19.12.2006 passed by the Court of Sessions Judge, Kurukshetra and the judgment of conviction and order of sentence dated 20.03.2006 passed by the Court of Judicial Magistrate 1st Class, Kurukshetra, whereby the petitioner was convicted for the commission of offences punishable under Section 324 read with Section 34 of IPC and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.100/- alongwith default stipulation.

2. The brief facts of the case are that Surender Singh son of Shri Basakhi Ram, complainant made his statement (Ex.PA) to the police on 01.07.1999 to the effect that on 29.06.1999, he alongwith Rajpal son of Punna Ram and Amar Singh son of Ram Chander, residents of Rattan Dera was returning to his village Rattan Dera on a motor cycle after doing labour from



village Dayalpur and that when at about 9.30 p.m., they were at Mohan Nagar Chowk, Sirsala Road Thanesar, both the accused were found standing there and that Rajpal was driving the motor cycle and he asked the accused to give a side to them, but upon this Gurbax Singh alias Mohni and Lovely abused in the name of his sister and Rajpal stopped the motorcycle, but Gurbax Singh alias Mohni gave a hit with the fruit basket on the head of Amar Singh and accused Lovely, who was armed with a knife inflicted its blow which struck at the complainant's forehead towards left side and second on left thumb of the hand of Amar Singh. They raised a rola 'Save Save' and the accused fled from the spot. On this statement, the case under Section 324/34 IPC was registered against the accused. Investigation of the case was conducted and during investigation the M.L.Rs of the injured were procured by the I.O. and accused Lovely alias Harsimranjit Singh also got recovered the knife, vide recovery memo Ex. PW5/D. Site plan of the place of recovery Ex. PW5/E was prepared and rough sketch of knife Ex. PW5/F was prepared. Statements of witnesses were recorded and accused were arrested.

3. After completion of investigation, challan was presented before the Area Magistrate. The trial Court found that a *prima facie* case under Section 324, 34 of IPC was made out against the petitioner and he was ordered to be charge-sheeted accordingly, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW-1 Surender Singh, PW-2 Amar Singh, PW-3 Rajpal, PW-4 HC Sultan Singh, PW-5 Ashok Kumar, PW-6 Surender Kumar, PW-7 Dr. Ashwani Kumar and thereafter, the prosecution evidence was closed.



5. After closure of the prosecution evidence, the statement of the petitioner under Section 313 Cr.P.C. was recorded and all the incriminating circumstances were put to him. However, he denied all allegations and pleaded false implication in the present case. The petitioner chose not to lead any defence evidence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgments of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on him. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.

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

9. In the present case, the complainant Surender Singh was examined as PW-1, who reiterated his statement Ex.PA., which was recorded on 01.07.1999. He was taken to the Govt. Hospital for treatment and the MLR was drawn there. His statement has been duly corroborated by the statements of Rajpal PW-2 and Amar Singh, driver of the motor cycle, PW-3, who clearly stated that when Lovely @ Harsimranjit Singh and Mohni alias Gurbaksh, both accused, asked to give side, Lovely @ Harsimranjit Singh inflicted knife blow on the person of Surender Singh and Amar Singh. Still further, both the



witnesses had clearly stated that they were caused injuries by the present petitioner and there was no ground to disbelieve their testimonies. Still further, PW-5, ASI Ashok Kumar recovered the knife from Lovely alias Harsimranjit Singh. ASI Ashok Kumar, PW-5 and Surender Kumar, Constable, PW-6 had proved the investigation in the present case. Thus, there was sufficient evidence to show that the present petitioner and his co-accused had caused injuries to Surender Singh and Amar Singh. Even I have carefully perused the findings recorded by the trial Court as well as the Appellate Court and both the judgments call for no interference by this Court and the impugned judgments of convictions are upheld.

10. Now adverting to the order on quantum of sentence, this Court is conscious of the fact that the FIR in the present case was registered on 01.07.1999 and the petitioner is facing the prosecution for the last more than 26 years. Even, he has already undergone 04 months and 11 days of actual custody, out of total sentence of one year. Consequently, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine as imposed upon the petitioner is increased from Rs.1,00/- to Rs.50,000/-, which shall be deposited by him before the concerned Court, within a period of 04 weeks from the date of receipt of certified copy of this case. It is made clear that in case, the enhanced fine is not deposited within the aforesaid period of four weeks as per this order, the present order reducing the sentence of the petitioner to the period already undergone, shall automatically stand vacated and in that eventuality, the petitioner will have to undergo the



actual sentence of 01 year apart from the sentence of default imposed by the concerned Court.

11. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him and the sentence of fine as imposed upon the petitioner is increased from Rs.1,00/- to Rs.50,000/-, which shall be deposited by him before the concerned Court, within a period of 04 weeks from the date of receipt of certified copy of this order.

12. Pending applications, if any, stand disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

06.04.2026
hemlata

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