

2026.PHHC:075915



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

206

CRR 1578 of 2008

Date of Decision: 11.05.2026

Jaswant and others

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Ms. Preet Singh, Advocate and
Ms. Vani Singh, Advocate
for the petitioners.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the present revision petition against the impugned judgement of conviction dated 14.08.2008 passed by the Court of Additional Sessions Judge, Narnaul, and the judgement of conviction dated 18.11.2005 and order of sentence dated 19.11.2005 passed by the Court of Judicial Magistrate 1st Class, Narnaul, whereby, the petitioners were held guilty for the commission of offences punishable under Sections 148, 323, 324, 325 read with Section 149 of IPC. While sentencing the co-accused Ram Singh and Budh Ram, the learned trial Court took a lenient view considering that both were above 75 years of age and had joined the occurrence only in support of their family members. Consequently, instead of sentencing them, they were released on probation on furnishing bonds to maintain peace and good behaviour for a period of one year. However, the petitioners were

sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.200/- each for the commission of offence under Section 325 read with Section 149 IPC. They were further sentenced to undergo rigorous imprisonment for a period of eight months and to pay a fine of Rs.100/- each for the commission of offence under Section 324 read with Section 149 of I.P.C. They were also sentenced to undergo imprisonment for a period of two months for the commission of offence under Section 323 read with Section 149 of IPC. The convicts were also sentenced to undergo imprisonment for a period of nine months for the commission of offence under Section 148 of IPC.

2. During the pendency of the present petition before this Court, petitioner No. 5 Ram Kumar has expired and, therefor, the petition qua him stood abated.

3. The facts leading to the prosecution case are that on 21.03.1997, Amar Singh complainant recorded his statement before H.C. Surender Singh to the effect that he belongs to village Bihali, Police Station, Ateli and is an agriculturist by profession. He has two brothers and are residing separately, Sarjit son of Hazari Lal belongs to his village who wanted to lay down water pipe line under the land of the village existing the northern side of Godhi for the purpose of connect with tubewell. Complainant is owner of one plot adjacent to the village. Sarjit wanted to lay down pipe line under his plot/land. On 19.03.1997 at about 07.30 a.m. he alongwith Jai Singh (brother), Om Parkash (son) and Mukesh son of Bishamber Dayal was talking while sitting in front of his house. At that very moment, Sarjit son of Hazari Lal, Jaswant son

of Ram Singh, Ranbir, Satbir son of Ram Singh, Sahi Ram son of Hazari Lal, Mahabir son of Dev Karan, Ram Kumar son of Hazari Lal, Ram Singh son of Dhansi, Budh Ram son of Dhansi armed with offensive weapons came there and started saying that complainant Amar Singh is not allowing to lay down pipe line under his land, therefore, they will take action against him. Thereafter, Sarjit gave sickle (Kulkhari) blow on his back and left side of Amar Singh, then Sarjit gave sickle blow on the right side of Jai Singh. Desh Raj gave two sickle blows on the head of Jai Singh and on the left side lower portion of Om Parkash. Jaswant, Sahi Ram, Ranbir, Ram Kumar, Satbir, Ram Singh, Budh Ram, Mahabir gave lathies blows on the persons of complainant, Jai Singh, Om Parkash and Mukesh on part of their bodies. They shouted in loud voice. In the mean time, Parbhu Ram son of Ganga Sahai and Ram Parsad son of Birbal came there and they rescued them from the clutches of the accused. On going they stated that they have saved today otherwise they would have been beaten more. Thereafter, they were medico-legally examined in Civil Hospital, Ateli. On the basis of this statement, police proceeding was initiated. Investigation swung into motion. Statement of witnesses under section 161 Cr.P.C. were recorded. Offensive weapon took into police possession. Accused were arrested and after concluding the investigation, *challan* was prepared and put forwarded before the Court for trial against the petitioners.

4. After the presentation of *challan*, the petitioners was charge-sheeted for the offences punishable under Sections 148, 149,

323, 324, and 325 IPC, to which, they pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined 10 witnesses. Thereafter, evidence of the prosecution was closed.

6. After closure of the evidence, the statement of the petitioners were recorded under Section 313 Cr.P.C. and they denied all the incriminating evidence put to them and stated that they have been falsely involved in the present case.

7. No defence evidence was led.

8. At the very outset, learned counsel for the petitioners submits that he does not wish to challenge the judgement of conviction passed against the petitioners by the trial Court, however, some leniency may be shown while awarding the sentence to them. Even though, learned counsel for the petitioners has not challenged the judgements of conviction, still, this Court has considered the case on merits.

9. Learned State counsel submits that the petitioners do not deserve the concession regarding sentence and the present revision petition be dismissed.

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

11. In the present case, the complainant Amar Singh appeared as PW1 and fully supported his statement Ex. PW1/A and identified his signatures on the application. PW2 Jai Singh and PW3 Om Prakash had also supported the statement of PW1 Amar Singh, complainant. In fact, PW1 Amar Singh, PW2 Jai Singh and PW3 Om Parkash were

cross-examined at length, but their testimonies could not be shaken in any manner. PW-4 C. R. Dagar, SI/SHO has proved *challan* under Section 173 Cr.P.C. and identified his signature thereon. PW-5 constable Anand Parkash No. 553 has proved recovery memos Ex.PW5/A, Ex.PW5/B, Ex.PW5/C, Ex.PW5/D, Ex.PW5/E and identified his signatures as witness thereon. PW6 Parbhu had also deposed that about 4 years ago, at about 07.30 a.m. he had come from his field, Sarjit and Desh Raj was lying down water pipe line for which Om Parkash and Amar Singh refused to do so. Desh Raj and Sarjit gave sickle blows on the persons of Amar Singh and Om Parkash. Ram Singh, Budh Ram, Ram Kumar, Satbir, Mahabir and Sahi Ram gave *lathies* blow on the person. He also supported the case of the prosecution and explained the manner in which the injuries were caused by the petitioners to the complainant side. PW-7 Dr. Ashwani Kumar, Medical Officer, while appearing in the witness box, proved the X-ray report pertaining to Amar Singh son of Paras Ram as Ex.PW7/A and his MLR as Ex.PW7/B. He further proved the MLR of Jai Singh as Ex.PW7/C and the MLR relating to injured Mukesh son of Bishamber as Ex.PW7/D. The witness also proved the *ruqa* Ex.PW7/E sent on the application moved by the police. He also proved his opinion regarding the fitness of the injured as Ex.PW7/G and tendered X-ray films Ex.P-1 to Ex.P-15 into evidence. PW8 Harpal Singh SI proved the FIR Ex.PW8/A in the present case. PW9 Surrender Singh ASI had proved the investigation in the present case and stated that the sufficient evidence was collected against the petitioners during the investigation. PW10 Dr. Vijay Chaudhary had

proved radiological report of Om Parkash. From the evidence led by the prosecution, it was proved that the petitioners had committed the offence punishable under Sections 148, 323, 324, 325 and 149 IPC. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

12. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the that the petitioners No.1 to 4 and 6 to 8 have been facing the agony of criminal prosecution since 19.03.1997, i.e., for the last more than 29 years and the sentence awarded to them was suspended on 24.10.2008 and for the last more than 17 years, they have remained on bail without any misuse of the concession granted to them. As per custody certificate, they have undergone actual custody of 02 months and 12 days out of maximum sentence of one year. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on them is reduced to the period already undergone by them.

13. With the above modifications, the present revision petition is partly allowed and the impugned judgement of conviction dated 14.08.2008 passed by the Court of Additional Sessions Judge, Narnaul, and the judgement of conviction dated 18.11.2005 and order of sentence dated 19.11.2005 passed by the Court of Judicial Magistrate 1st Class, Narnaul, are upheld, whereas, the sentence imposed on the

petitioners is reduced to the period already undergone by them.

However, the sentence of fine will remain the same.

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

11.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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