



**208 (02 case) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-2472-2008

Date of Decision:21.04.2026

Dharminder Sachdeva

...Petitioner

Vs.

Love Sachdeva and Anr.

...Respondents

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

Present: Mr. Sumit Tyagi, Advocate for
Mr. L.M Gulati, Advocate
for the petitioner.

Mr. Jasdeep Singh Walia, Advocate with
Mr. Akramjit Singh Ahluwalia, Advocate
for the respondent No.1.

Mr. Bhanu Partap Singh, Addl. A.G., Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present petition against the impugned judgment of conviction and order of sentence dated 13.08.2008, passed by the Court of Additional Sessions Judge, Bathinda, whereby, the respondent No.1 was ordered to be convicted for the offences punishable under Sections 323 and 325 of IPC only, for its modification to the extent that the respondent No.1 may also be convicted for the commission of offence punishable under Section 308 IPC.

2. The brief facts of the present case are that on 08.04.2005, a ruqa was received from Civil Hospital, Bathinda at Police post Civil lines, Bathinda to the effect that Dharinder Sachdeva son of Ram Chand Sachdeva was admitted in the above hospital with injuries that ASI Jai Singh along with H.C. Partap Singh No. 1365 and other police officials reached at Civil Hospital, Bathinda, on receipt of that ruqa. That he moved a written application to the



concerned doctor attending on the injured, for seeking fitness of the injured to record his statement and the injured was opined unfit to make the statement. That on 09.04.2005, ASI Jai Singh and other police officials again reached Civil Hospital, Bathinda and moved another application to the concerned doctor seeking his opinion regarding fitness of injured to make the statement. That the injured Dharminder Sachdeva was opined fit to make the statement on that day. That Injured Dharminder Sachdeva made his statement before ASI Jai Singh on 09.04.2005 that he was employed as SDO (Indoor) at BSNL. That Love Sachdeva his elder brother resided in the back side of Kothi no. 377 along with his family and he resided in front portion thereof. That there was one gate for entering in the kothi. That Brahm Bajaj son of Om Parkash resident of Malout, being his relation came to meet him day before 9.4.2005 at about and 4.15 p.m, he was teaching his children was sitting in the chair and his relative Brahm Bajaj was sitting in the Courtyard beside him. That in the meantime, his brother Love Sachdeva started abusing him as to why the complainant injured had occupied the entire place by putting the chairs thereupon. That the son of Love Sachdeva , namely, Jatin was playing with bat. That Love Sachdeva took the bat from him and gave bat blow on the head of the complainant. That he gave another bat blow, which hit on the left side of the head of complainant Dharminder Sachdeva and his left was arm and fractured therewith. That Love Sachdeva accused gave bat blow on the head of the complainant, with an intention to kill him. That the complainant raised alarm whereupon the people from the neighbourhood collected there. That the accused fled away there from along with bat. That Brahm bajaj, relative of the complainant, took him to Civil Hospital, Bathinda. That the wife of the complainant, Rashmi also came there



and got him admitted in the above hospital. That cause of occurrence is property dispute between the complainant and the accused, who are real brothers. ASI Jai Singh, the Investigating Officer, recorded statement of complainant Dharminder Sachdeva and made his endorsement upon, where upon the FIR of this case was registered at P.S. Kotwali, Bathinda against the accused for the offences under section 308 and 325 IPC.

3. After necessary investigation, the final report under Section 173 Cr.P.C was presented against the accused before the Court of Area Magistrate.

4. Since, the offence was triable by the Court of Sessions, the case was committed to the Court of Sessions Judge, Bathinda.

5. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 308 and 325 of IPC was made out against the accused and he was charge-sheeted accordingly. However, he pleaded not guilty and claimed to be tried by the Trial Court.

6. In order to prove the charge against the accused, the prosecution examined 06 witnesses.

7. After the closure of the prosecution evidence, the statement of accused was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that they had been falsely involved in the present case.

8. In his defence evidence, accused examined DW-1 Harjit Singh Sodhi and DW-2 Subhash Chander and thereafter, the defence evidence was closed.

9. Learned counsel for the petitioner has vehemently argued that in the present case, the investigation was conducted in detail and challan under



Sections 308 & 325 of IPC was presented against respondent No.1. Even, the Trial Court found that a prima facie case under Sections 308 & 325 of IPC was made out against the respondent No.1 and he was charge-sheeted accordingly. Even the evidence led by the prosecution clearly suggested that the offence under Section 308 IPC was committed by respondent No.1, still, he has been wrongly acquitted of the charge under Section 308 IPC.

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

11. In the present case, the parties to the dispute are real brothers. Even, it was found that the respondent No.1/accused had not come armed with any weapon and there was no premeditation on his part to cause injuries to the complainant/injured. Even, the occurrence had taken place at the spur of the moment over a trivial issue. Consequently, it can never be said that the intention of respondent No.1 was to cause culpable homicidal of the complainant, which did not amount to murder. Rather, the injuries were only attracted the offence under Section 325 IPC only. Still further, even the medical evidence also proved that the respondent No.1 had the intention to cause grievous hurt to the complainant in the present case. Thus, the respondent No.1 has been rightly acquitted of the charge under Section 308 IPC and thus, finding no merits in the present case, the petition is ordered to be dismissed.

12. Ordered accordingly.

13. Case property, if any, be dealt with, as per rules.

14. The Trial Court record be sent back.

(N.S.SHEKHAWAT)
JUDGE

21.04.2026
hitesh

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