



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

CRR-1435-2009

Date of Decision:06.05.2026

Amrik Singh and Ors.

...Petitioners

Vs.

State of Punjab

...Respondent

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

Present: Ms. Gurneet Sagoo, Advocate as Amicus Curiae
for the petitioners.

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

N.S.Shekhawat J.

1. The petitioners have filed the present revision petition against the impugned judgment dated 15.05.2009, passed by the Court of Additional Sessions Judge, Ferozepur, whereby, the appeal filed by the petitioners was ordered to be dismissed and the impugned judgment of conviction and order of sentence dated 25.02.2006, passed by the Court of Sub-Divisional Judicial Magistrate, Zira, whereby the petitioners were ordered to be convicted for the offences punishable under Sections 326/324/323/148/149 of IPC and were sentenced accordingly.

2. During the pendency of the present revision petition, Joginder Singh, petitioner No.2 and Kehar Singh, petitioner No.4 have died and petition qua them stands abated and is ordered to be dismissed.

3. The brief facts of the prosecution case are that on 21.07.1995, police of Police Station Mekhu received QST from the SHD Police Station Zira to the effect that Bakar singh son of Walla resident of village Jogewala is admitted in the Civil Hospital, Zira. On this A.S.I. Jasant Singh along with



other police officials visited Police Station, Zira and obtained MLR No. RSS/47/85 regarding Bakkar singh. Thereafter, ASI Jaswant Singh along with other police officials visited Civil Hospital, Zira and sought the opinion of doctor whether injured were fit to make statement or not and doctor declared injured unfit to make statement. Then, again on 22.07.2005 ASI, Jaswant Singh along with other police officials visited Civil Hospital, Zira and sought opinion of doctor whether injured Bakkar Singh was fit to make statement or not and doctor declared injured Bakkar Singh fit to make statement. Bakkar Singh son of Walla got recorded his statement to the effect that he is resident of village Jogewala and agriculturist by profession. He further stated that on 21.07.1995 at about 8:00/9:00 AM, he went to his land to see paddy crop. Then he saw that Kehar singh armed with *Kirpan*, Amrik singh armed with *Barshi*, Balwinder Singh armed with *Barshi*, Joginder singh armed with *Dang*, Jassa singh armed with *dang* and Chhinderpal singh armed with *Dang* were standing there and destroying paddy crop by leaving free their cottages in the fields. Then complainant stopped them from doing so. On this Kehar singh gave *kirpan* blow which hit on the little finger of his left hand, Amrik singh gave *Barshi* blow which hit on his right muscle. Balwinder singh gave *Barshi* blow which hit on his buttock. Jassa Singh gave *Dang* blow on complainant which hit on his head, Joginder singh gave *Dang* blow which hit on his left shoulder. Chhinderpal Singh raised *Lalkara* that complainant should not be spared today. Complainant raised *raula* and on hearing *raula* Faqir son of Khehra and Balbir Singh son of Faqir also reached at the spot. They saved complainant from the clutches of accused. On the basis of statement of complainant, FIR was registered. Case was investigated. Accused were arrested. After completion of



investigation and necessary formalities, challan was presented in the Court for trial.

4. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 326/324/323/148/149 of IPC was made out against the petitioners and they were charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

5. In order to prove the charge against the petitioners, the prosecution examined 07 witnesses.

6. After the closure of the prosecution evidence, the statements of petitioners were recorded under Section 313 Cr.P.C and all the incriminating evidence was put to them, to which they pleaded that they had been falsely involved in the present case. No defence evidence was led by the petitioners in their defence.

7. At the very outset, learned counsel appearing on behalf of the petitioners submit 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 them. Even though, learned counsel for the petitioners has not challenged the judgments of conviction, still this Court has considered the case on merits.

8. In the present case, the prosecution story was stated by Bakkar Singh, complainant/injured, who appeared as PW-2. He proved on record his statement Ex.P-7 made before the police. His statement was supported by PW-3 Balvir son of Faqir, another eye-witness in the present case. The prosecution further examined PW-1 Dr. Rashpal Singh, Medical Officer, Civil Hospital,



Moga, who had conducted the medico legal examination on the person of Bakar Singh. PW-3 ASI Raj Singh proved the investigation in the present case. Still further, PW-4 Devi Lal, Patwari proved *khasra Girdawri* for the year 1994-95 Ex.P-8 to Ex.P-11 and *jamabandies* Ex.P-12 & Ex.P-13. PW-5 Ranjit Singh, Senior Assistant stated that in the year 1997 he was posted at Chandigarh in the Court of Financial Commissioner Appeal, Punjab as Clerk. He brought the original certified copy of RDR No.346/97 and proved the same Ex.PW-5/A. He further deposed that case has been decided by Sh. Ram Reddy, Financial Commissioner. He also proved revision petition decided by Sh. Ram Reddy, Financial Commissioner, Punjab, Ex.PW-5/8. The prosecution further examined PW-7 H.C Joginder Singh, who identified the signatures of ASI Jaswant Singh, who has since died and proved police proceedings Ex.PW/7, applications Ex.PW-7/C, Ex.PW-7/D and Ex.PW-7/E, site plan Ex.PW-7/8.

9. From the above referred evidence led by the prosecution, the prosecution had amply proved that the petitioners were rightly convicted for commission of offences punishable under Sections 326/324/323/148/149 of IPC. Even otherwise, there is no irregularity, perversity and illegality in the impugned judgments passed by both the Courts and the same are ordered to be upheld.

10. Now, advertent to the order of quantum of sentence in the present case, this Court cannot lose sight of the fact that the petitioners are facing the agony of trial/appeal since 22.07.1995 i.e. for the last more than 30 years. Even, petitioner No.1, Amrik Singh aged about 65 years, whereas, Jassa Singh, petitioner No.3 is aged about 56 years and have grown up children. Still further, the sentence imposed on the petitioners was ordered to be suspended by this



Court on 09.07.2009 and had never misused the concession of bail. Even as per the Custody Certificate, petitioner No.1 Amrik Singh has already undergone more than 03 months and 18 days of actual custody, whereas, petitioner No.3, Jassa Singh, has already undergone more than 08 months and 12 days of actual custody. Consequently, 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, the amount of fine will remain the same.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgments of conviction are upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them, however, the amount of fine will remain the same.

12. I record my appreciation for Ms. Gurneet Sagoo, Advocate, who has rendered able assistance to the Court and fee of Amicus Curiae is assessed Rs.20,000/-, which shall be paid by the Secretary High Court Legal Services Committee, as per rules and practices.

(N.S.SHEKHAWAT)
JUDGE

06.05.2026
hitesh

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