



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

CRR-252-2009 (O&M)

Date of Decision:20.04.2026

Karam Singh

...Petitioner

Vs.

State of Haryana and Others.

...Respondents

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

Present: Mr. B.S Mamli, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr.DAG, Haryana.

Mr. Shashikant Gupta, Advocate with
Mr. Devender Arya, Advocate
for the respondents.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment of conviction dated 24.11.2008 and order of sentence dated 25.11.2008, passed by the Court of Additional Sessions Judge, Yamuna Nagar at Jagadhari, for its modification to the extent that the sentence imposed on respondents No.2 to 5 & 7 may be enhanced, whereas, Mohinder Singh, respondent No.6 may be ordered to be convicted in the present case.

2. During the pendency of the present revision petition, respondent No.4 namely Des Raj had expired. Consequently, the revision petition qua him stands abated and is ordered to be dismissed.

3. The brief facts of the present case are that on the night of 13.10.2006 on receipt of a medical rukka regarding admission of injured Karam Singh and Ram Pal in Gaba Hospital, Yamuna Nagar. PW10 HC Jai Kishan



reached Gaba Hospital, Yamuna Nagar and sought the opinion of the doctor regarding the fitness of the injured to make the statement by moving an application Ex. P16. The doctor vide opinion Ex.P17 declared both the injured unfit to make the statement. 14.10.2006, S.I. Pale Ram, the then SHO of Police Station Sadar, Jagadhri reached Gaba Hospital, Yamuna Nagar and by moving an application Ex.P12 he sought the opinion of the doctor regarding their fitness to make the statement. This time also both the injured were declared unfit to make the statement. Complainant, Dharam Pal (PW9), brother of injured, met him and got recorded his statement Ex.P23 to the effect that he is agriculturist by profession. They are four brothers. His eldest brother Karam Singh is aged 44 years followed by Mam Chand and then Ram Pal aged 40 years. They are living jointly in *dera* located in the fields within the revenue estate of Village Mahmoodpur. Land of Des Raj of Village Batheri is abutting to their land. About 2/3 years ago, Des Raj etc. had cut away the government trees standing nearby the road and against that his brother Karam Singh had moved a complaint to the forest department and the money fetched from those trees is lying deposited in the government treasury. Due to that they were having grudge against them. Yesterday on 13.10.2006, at about 5 PM his brothers Ram Kumar and Karam Singh were spreading the parali on the road. In the meantime, Mohinder, Rajbir, Bhag Singh, Des Raj, Rinku, Sonu, Lakhi. Naranjan Singh residents of village Batheri and sons of Mangi and his servant came on tractor armed with lathis, dandas, gandasis and kulhari in connivance with each other and asked them as to why they were putting the parali on the road and they will teach them a lesson for making complaint to the forest department against them. Thereafter, they all while making lalkara opened the



attack upon his brothers in order to kill them. Rajbir gave a gandasi blow from reverse side on the head of this brother Karam Singh. Bhag Singh also gave a kulhari blow from reverse side on the head of Karam Singh. Mohinder gave a kulhari blow from reverse side on the head of Ram Pal. Rinku gave gandasi blow on the head of Ram Pal. They both fell down on the ground. The remaining assailants also gave them lathis/dandas blow. In the meantime his sister-in-law (Bhabhi) Chandrawati reached there after hearing the noise. She was also caused injuries by the assailants with lathis. On hearing the noise, he and Ram Pal son of Sheo Ram reached at the spot and all the assailants fled away from the spot alongwith their respective weapons. Narajan Singh was having his motor cycle. All the assailants had opened the attack upon his brothers in connivance with each other in order to kill his brothers. On his statement Ex. P23, the present case was registered vide FIR Ex. P-24 and the investigation was put into action.

4. During investigation, the blood stained clothes of the injured were taken into possession and rough site plan was prepared. The statements of the injured were also recorded by the police.

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

6. Since, the offence was triable by the Court of Sessions, the case was committed to the Court of Sessions Judge, Yamuna Nagar.

7. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 148,323 r/w Section 149 of IPC, 325 r/w Section 149 of IPC and 307 r/w Section 149 of IPC was made out against the accused and they were charge-sheeted accordingly. However, the



accused pleaded not guilty and claimed to be tried by the Trial Court.

8. In order to prove the charge against the respondents, the prosecution examined 10 witnesses.

9. In the present case, Dr. Jagir Mal, Senior Medical Officer was examined as PW-1, who had medico-legally examined Chandra Wati, injured and found the following injuries on her person:-

- 1. One bruise injury to left eye and face of the size 3.5 x 3 cm of dark bluish colour. There was tenderness. The patient was advised X-Ray of face and left orbit.*
- 2. There was one soft and defused swelling on the scalp on the left side of size 3 x 3 cm. There was tenderness and advised X-ray of scalp AP and lateral.*
- 3. There was one bruise injury to left hip of the size 8 X 3 cm. There was tenderness. The colour was bluish.*
- 4. There was bruise injury to both thigh on the back side of the size 7 x 3 Cm and 6 x 0.25 Cm. Colour was bluish and there was tenderness.*
- 5. The patient was complaining the both ache but no injury mark was visible.*

10. Sushil Kumar, Patwari, Halqua Chagnoli examined as PW-2, who prepared the scaled site plan Ex.P-4. Dr. Vandana, Medical Officer, Gaba Hospital, Yamuna Nagar examined as PW-3, who had medico-legally examined Karam Singh and Ram Pal and found the following injuries on them:-

Injuries found on the person of injured Karam Singh

- 1.. Lacerated wound of the size 4 x 1/4 inch over right parietal area with depressed skull. Fresh blood was oozing out.*
- 2. Lacerated wound over frontal area of size 1/2 inch x 1/4 inch. Fresh blood was oozing out.*



3. Multiple abrasions all over body of different sizes and shapes.
4. Bruising of right eye. Advised CT scan head. The report of CT Scan revealed right frontal linear fracture right frontal hemorrhage contusion, right parietal extra dural bleed.

Injuries found on the person of injured Ram Pal

1. Lacerated wound over right side parietal region of the size 2 ½ inch X ¼ inch with oozing blood.
2. A lacerated wound over left parietal region size 3 inch x 1/4 inch with oozing blood.
3. Multiple abrasions over back and bilateral upper and lower limbs.

She further proved the medico legal reports of both the injured Ex. P6 and Ex. P7 besides their case summaries, Ex. P5 and Ex. P9 respectively. She further proved the X-ray report of Ram Pal Ex. P8.

ASI Ramesh Chand, examined as PW-4, who had registered FIR Ex.P-24. The prosecution further examined S.I Manohar Lal as PW-5, who had investigated the present case. Chandrawati, injured examined as PW-6, whereas, PW-7 Karam Singh, another injured and both injured had supported the case of the prosecution. S.I Pale Ram examined as PW-8, who was the initial I.O of the present case. Dharampal complainant examined as PW-9 and had supported the prosecution version. H.C Jai Kishan remained as I.O in the present case and had narrated the instances of the investigation.

11. After the closure of the prosecution evidence, the statement of accused 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.

12. In their defence evidence, accused have examined as many as six



witnesses. Dr. Rajiv Kapoor who has proved the X-ray report with respect to the injuries to claimant Bhag Singh appeared as DW-1 and has proved the X-ray report Ex. D-5. Dr. Mahavir Goel, who had treated patient Mahinder in the year 1993 appeared as DW-2 and proved the treatment record. Dr. Sandeep Gupta while appearing as DW-3 has proved the disability certificate Ex.D-9 of accused Rajbir Singh. DW-4 HC Daya Nand has proved the DDR Ex. D10. Dr. Manish, Senior Resident, Department of Orthopedic, Govt. Medical College, Sector 32, Chandigarh while appearing as DW-5 has proved the Disability Certificate Ex. D-11 of accused Mohinder Singh. Dr. Rajiv Airon while appearing as DW-6 has proved the medico legal report of accused Bhag Singh Ex.D-12. Besides that the accused have tendered certain documents evidence in their defence.

13. In the present case, the main prayers of petitioner are twofold:-

(i) that the sentence imposed on respondents No.2 to 5 & 7 may be ordered to be enhanced.

(ii) that the acquittal of respondent No.6 Mohinder Singh may be set aside.

Now, adverting to the first prayer made by learned counsel for the petitioner, it is observed that the sentence imposed on respondents No.2 to 5 & 7 has already been reduced to the period already undergone by them by this Court by order of even date in criminal appeal No.CRA-S-2367-SB-2008. Consequently, the prayer for enhancement of sentence imposed on respondents No.2 to 5 and 7 is become infructuous.

14. So far as the challenge to acquittal of Mohinder Singh, respondent No.6 is concerned, I have perused the impugned judgment passed by the trial Court and find no substance in the submissions made by learned counsel for the



petitioner. In the present case, Mohinder Singh, respondent No.6 was rightly acquitted by the Trial Court. In fact, the respondents had examined Dr. Manish DW-5, Senior Resident, Department of Orthopedic, Govt. Medical College, Sector 32, Chandigarh, who stated that as per Disability Certificate Ex.D-1, respondent No.6 was having 80% disability with respect to both upper limbs. He further stated that as per the record, the disability was due to non union bilateral humerus shaft fracture. He further categorically stated that the person having this type of disability cannot lift his hands upwards i.e above shoulders and it is very difficult for him to handle a weapon like *gandasi* etc. Further, as per prosecution story, Mohinder Singh had given a *gandasi* blow on the head of injured Ram Pal and without lifting the hands, *gandasi* blow could not have been given by him.

15. Consequently, the allegations against Mohinder Singh, respondent No.6 was highly improbable and he has been rightly acquitted by the Trial Court.

16. Thus, findings no merit in the present revision petition, the same is ordered to be dismissed.

17. Ordered accordingly.

18. Case property, if any, be dealt with, and destroyed after the expiry of period of limitation for filing the appeal, in accordance with law.

19. The Trial Court record be sent back.

20. Pending application(s), if any, stand(s), disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

20.04.2026
hitesh

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