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Date of Decision: 20.04.2026

...Petitioner (s)

 $V_S.$

...Respondent(s)

Present : Mr. Om Pal Sharma, Advocate
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the present revision petition against the impugned judgement dated 19.04.2010 passed by the Court of Additional Sessions Judge, Patiala and the judgement of conviction and order of sentence dated 12.11.2008 passed by the Court of Judicial Magistrate 1st Class, Patiala, whereby, the petitioners were held guilty for the commission of offence punishable under Sections 323, 506 and 452 of IPC and sentenced as under:-

<i>Name of Convicts</i>	<i>Offence u/s</i>	<i>Sentence Awarded</i>	<i>Fine Imposed</i>
<i>Darshan Singh and Tari @ Batari</i>	<i>323 IPC</i>	<i>SI for six months each</i>	<i>--</i>
	<i>506 IPC</i>	<i>SI for 1 year each</i>	<i>--</i>
	<i>452 IPC</i>	<i>SI for 1 year each</i>	<i>--</i>

2. Brief facts of the prosecution case as enumerated in the report under Section 173 Cr.P.C. are that on 07.11.2006 HC Hardev Singh was present in connection with proceedings in case of one Amarjit

Singh at Rajindra Hospital, Patiala, where he received the telephone from MHC Ranjit Singh that in Cheema Colony, the party of Rana Singh has entered into a fight and, thereafter, he reached Emergency Ward and obtained the fitness of injured Rana Singh and recorded his statement. He stated that he is a contractor of providing services of waiters in marriage palaces. His father Pritam Singh and brother Sher Singh have come from Rajpura to his house in order to see him and today the whole family was at home and at about 09.00 a.m. Krishna, Darshan, Kammi, Binder, Shonki, Batari and Kanthi entered into his house by breaking the front door. Then Darshan Singh gave a *dang* blow and when he raised his arm to save, it struck on his right arm. Bhinder threw a brick towards him which hit him on his left side of forehead and Kanthi gave a *dang* blow to his brother Sher Singh hitting on his right elbow. Kammi also gave blow to Pritam Singh which landed on his right leg. Darshan gave another blow while throwing the brick and he bent down which hit on his grand daughter. Tari again gave *dang* blow hitting him on his left hand fingers. All the persons were armed with *dangs* and bricks. When they raised cries for help, all the accused escaped from the place of crime and while leaving the spot, accused threatened that next time he will not be spared. Motive behind the occurrence is that he has objected and stopped his son Sonu from joining the said anti-social boys. MLR of the injured Rana Singh was obtained. The present case was, thereafter, registered. Investigation was conducted. The other party also received injuries, statement of Jaswinder Singh injured was also recorded. MLRs of Darshan Singh and Jaswinder Singh were obtained. MLRs of Pritam

Singh and Sher Singh were also obtained. MLR of Khushpreet Kaur was also obtained. Statements of Pritam Singh and Sher Singh were also recorded. Accused Krishan, Tari and Kanthi were arrested in this case and weapons of offence were got recovered. Case property was deposited with MHC. On 22.11.2006 accused Jaswinder Singh and Darshan Singh were arrested. Accused Kammi was also arrested. On 24.11.2006 on the basis of disclosure statements of Darshan Singh and Kammi, *dangs* were got recovered. Site plan of place of recovery was prepared. After completion of necessary formalities, *challan* was presented against the accused.

3. After the presentation of *challan*, the petitioners were charge-sheeted for the offences punishable under Sections 148, 452, 323, 323/149 and 506 of IPC, to which, they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined HC Bal Krishan as PW1, HC Hardev Singh, Investigating Officer of the case, as PW2, HC Hardeep Singh as PW3, Dr. Abhishek Aggarwal as PW4, Rana Singh, complainant, as PW5, Sanjiv Kumar son of Rana Singh as PW6, Dr. H.S. Sidhu as PW7, Dr. Prabh Simran Singh as PW8, Pritam Singh as PW9, and Sher Singh as PW10 and, thereafter, the evidence of the prosecution was closed.

5. After closure of the evidence, the statements 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. No evidence was led in defence.

6. 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 on them. Even though, learned counsel for the petitioners has not challenged the judgements of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the petitioners do not deserve the 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 prosecution had examined PW5, Rana Singh, PW8 Dr. Prabh Simran Singh and PW9 Pritam Singh. All the three witnesses proved that the petitioners were members of an unlawful assembly which had caused injuries to the complainant side, and they were armed with deadly weapons and had committed house trespass before causing injuries to Rana Singh, Pritam Singh, Sher Singh and Khushpreet Kaur. PW5 Rana Singh had given vivid account of the entire occurrence and had assigned specific role to petitioners as well as the co-accused. PW10 Sher Singh, supported the testimony of PW5 Rana Singh. Similarly, PW9 Pritam Singh also deposed on similar lines. Apart from that, these witnesses had not only proved the injuries, but had also proved that being the members of unlawful assembly, the petitioners and their co-accused had committed house trespass in the house of the complainant side. In the present case, PW7 Dr. H.S. Sidhu

had proved the MLR's Ex. PW-7/C, Ex. PW7/D, Ex. PW7/E and Ex. PW7/F of all the four injured in the present case. From the aforesaid MLRs, it is apparent that the ocular version was duly corroborated by the medical evidence in the present case. Apart from that, the testimonies of witnesses were also corroborated by the statements of official witnesses, HC Hardeep Singh and HC Hardev Singh, who had proved the investigation in the present case. Apart from that, both the trial Court as well as appellate Court have discussed the evidence in detail and I find no infirmity, illegality, or perversity in the judgments of conviction passed by both the Courts. Accordingly, the impugned judgment of convictions are ordered to be upheld.

10. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the petitioners are facing the agony of trial/appeal since 07.11.2006, i.e., for the last more than 19 years. The petitioners have been awarded the maximum sentence of one year and both of them have undergone about 03 months and 11 days of actual custody. The sentences imposed on the petitioners were suspended by this Court on 27.07.2010 and in the last more than 15 years, they have maintained good conduct and have not misused the concession of suspension of sentence in any manner. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on them are reduced to the period already undergone by them.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgement dated 19.04.2010 passed by the Court of Additional Sessions Judge, Patiala and the judgement of

conviction and order of sentence dated 22.11.2008 passed by the Court of Judicial Magistrate 1st Class, Patiala, 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.

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

20.04.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No