



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

CRR-1236-2011

Date of Reserve:16.04.2026

Date of Decision:11.05.2026

Dharampal

...Petitioner

Vs.

State of Punjab

...Respondent

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

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

Mr.Amit Rana, Sr.DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present revision petition against the impugned judgment dated 03.12.2010, passed by the Court of Additional Sessions Judge, Faridkot, whereby, the sentence imposed on the petitioner under Section 457/511 of IPC was reduced to the period from two years to one year and to pay a fine of Rs. 5000/-and the impugned judgment of conviction and order of sentence dated 21.04.2010, passed by the Court of Judicial Magistrate Ist Class, Faridkot, whereby the petitioner was ordered to be convicted for the offences punishable under Sections 457/511 and 379/511 of IPC.

2. The brief facts of the prosecution case are that the present case was registered on the statement of HC Harbhajan Singh, recorded by ASI Balvir Singh, Police Station City, Faridkot, wherein, he stated that he was incharge of security guards placed in the judicial Malkhana. He was on duty during the night of 26-05-2006. Ct. Balwinder Singh came and intimated HC Harbhajan



Singh that some voice of "Thak Thak" was audible. Both of them picked up the torch and started the search around judicial malkhana. They went behind store and found that one person was breaking into the wall of judicial malkhana. He started running, but was apprehended at the spot. Accused was already known to the police officials. Intimation was given to the police station. Investigation was conducted. Site plan of the place of occurrence was prepared. Statements of the witnesses were recorded. After completion of investigation, challan against the accused was presented in the Court.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 457/511 and 380/511 of IPC was made out against the petitioner and he was charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

4. In order to prove the charge against the petitioner, the prosecution examined 05 witnesses. PW-1 HC Harbhajan Singh, PW-2 Constable Balwinder Singh, PW-3 ASI Balveer Singh, PW-4 HC Sewak Singh and PW-5 HC Balwant Singh and thereafter, prosecution evidence was closed.

5. After the closure of the prosecution evidence, the statement of petitioner was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he has been falsely involved in the present case. No defence evidence was led by the petitioner in his defence.

6. Learned counsel for the petitioner has vehemently argued that the entire prosecution case was based on the testimonies of official witnesses and there was no independent corroboration of the prosecution case. This fact alone



create doubts along with the genuineness and veracity of the story of the prosecution. Apart from that, there were material discrepancies in the statements of various prosecution witnesses and even the Chowidars, who were on duty were not joined the investigation in the present case. Even, two F.I.R.s were registered against the petitioner and he cannot be prosecuted twice for commission of the same offence.

7. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the complainant had no reason to falsely involve the petitioner in the present case. Even, if the Court finds that the testimonies of official witnesses is creditworthy, the same can be relied upon without even looking for any further corroboration from independent witnesses. Even otherwise, the official witnesses had no enmity with the petitioner and the impugned orders of conviction are liable to be upheld by this Court.

8. I have heard learned counsel for the parties and perused the record carefully; with their able assistance.

9. In the present case, the prosecution examined PW-1 HC Harbhajan Singh, who was on duty in the Judicial Malkhana, being In-charge of the guard and proved the case of the prosecution completely. His testimony has been duly corroborated by the statement of PW-2 Ct. Balwinder Singh and they had caught the petitioner at the spot. Balvir Singh, ASI PW-3 was the I.O of the present case and had recorded the FIR Ex.PA/1. He also prepared memo Ex.PB vide which two iron sabbals and one *kirch* like Kirpan were taken into possession. Vide memo Ex.PC the accused was arrested. He also proved site plan Ex.PD. These articles were recovered from the accused. PW-4 HC Sewak



Singh is also an attesting witness of memos Ex.PB and Ex.PC. Vide memo Ex.PB two iron sabbals and one kirch like Kirpan were recovered and vide memo Ex.PC the accused was arrested. PW-5 Balwant Singh stated that the case property i.e. two iron sabbals and one kirch (Kirpan) were deposited by the police with him.

10. From the evidence led by the prosecution, it was amply proved that the petitioner had committed the offence under Sections 379/511 of IPC and 457/511 of IPC. Even otherwise, there is no irregularity, perversity and illegality in the impugned judgments of conviction passed by both the Courts and the same are ordered to be upheld.

11. Now, adverting to the order of quantum of sentence in the present case, this Court cannot lose sight of the fact that the petitioner is facing the agony of trial/appeal since 27.05.2006 i.e. for the last more than 20 years. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 31.05.2011 and since then he had maintained good conduct. Even as per the Custody Certificate, he has already undergone more than 10 months of actual custody. Consequently, the order of sentence is modified to the extent that the sentence imposed on the petitioner is reduced to the period already undergone by him in the present case, however, the amount of fine will remain the same.

12. 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 petitioner is reduced to the period already undergone by him, however, the amount of fine will remain the same.

13. 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.

11.05.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No