



205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1626-2011 (O&M)
Date of Decision: 27.04.2026

Saudagar Singh and others ...Petitioners

vs.

State of Punjab ...Respondent

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

Present : Mr. K.P.S. Virk, Advocate (Amicus Curiae) and
Mr. Jasraj Singh, Advocate
for petitioners No.2 to 4.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the present revision petition against the impugned judgment dated 15.07.2011 passed by the Court of Additional Sessions Judge, Hoshiarpur, whereby the judgment of conviction and order of sentence dated 25.04.2003, passed by the Court of Judicial Magistrate 1st Class, Dasuya was modified and the petitioners were convicted for the commission of offences punishable under Sections 323, 323/149, 148, 341, 452, 380 of IPC and were sentenced accordingly.

2. The brief facts of the present case are that the complainant Tarsem Lal got recorded his statement to police on 05.11.96 to the effect that on 04.11.96 at about 8.30 PM he was sitting in his shop situated in village colony Harsipind. Saudagar Singh, his son Satti, Happy and another boy Deba, who is residing in the house of Saudagar Singh and is being treated by him as his son alongwith Kashmir Singh came to his shop. Saudagar Singh raised a Lalkara



that he be taught a lesson today. They entered into the shop and forcibly abducted Tarsem Lal and took him to their house and also committed theft of Rs. 1000/- from the shop. Saudagar Singh locked him in his house and kick blows were also given to him and thereafter he was tied with a mulberry tree. Saudagar Singh threatened him that if he raised raula he will be done to death. Thereafter accused Deba gave two dang blows on his right and left legs, Saugagar Singh gave one dang blow on his chest and another on his left eye. Satti caught hold him from his legs and in the meantime his son Surjit Singh and wife Shakuntla came there and they tried to rescue him from the clutches of the accused, Then all the accused caused injuries on his son Surjit Singh and gave fist blows on his wife Shakuntla. They raised raula which attracted to Chhindi wife of Parkash and her son Major and they rescued them from the clutches of the accused. The accused while going again threatened them that they will kill by life on the next time. Balbir Singh took them to civil hospital Tanda where they were medico legally examined. This statement was read over and explained to Tarsem Lal who after admitting it as correct signed the same and after making the endorsement it was sent to the police station through C Budh Singh on the basis of which formal FIR Ex. PD was recorded against the accused persons. Investigation of the case was conducted. Statements of witnesses were recorded. Site plan Ex. PE and Ex. PF were prepared. After the investigation, the challan was presented in the court for the offence under Sections 452, 380, 323, 341, 148, 149 IPC.

3. After presentation of challan, the trial Court found that a *prima facie* case under Sections 452, 380, 323, 341, 148, 149 of IPC was made out



against the petitioners and they were charge-sheeted accordingly. They pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW-1 Tarsem Lal, PW-2 Shakuntla Devi, PW-3 Dr. Kewal Singh, PW-4 Surjit Singh, PW-5 ASI Jagdish Singh and thereafter, the evidence of the prosecution was closed.

5. After closure of the prosecution evidence, the statements of the petitioners under Section 313 Cr.P.C. were recorded and all the incriminating evidence were put to them. They pleaded innocence and claimed trial. No defence evidence was led by the accused.

6. At the very outset, learned counsel for the petitioners submits that they do not wish to challenge the judgments of conviction passed against the petitioners by both the Courts, however, some leniency may be shown, while awarding the sentence on them. Even though, learned counsel for the petitioners has not challenged the judgments of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

7. Learned State counsel contended that the petitioners do not deserve any 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 case rests primarily on the statement made by PW1, Tarsem Lal, complainant, who had narrated the entire prosecution case, as mentioned in the FIR. He stated that the entire sequence of events and assigned specific roles to all the petitioners. His statement was duly corroborated by the testimonies of PW-2, Shakuntla Devi and PW-4, Surjit



Singh. Even both the witnesses had entered into witness box and corroborated the prosecution version. During trial, the defence could not lead any evidence to show that their testimonies were liable to be disbelieved. Apart from that, the prosecution examined PW-3, Dr. Kewal Singh, who proved the MLR of Tarsem Lal as Ex.PB and found the following injuries on his person:-

*“1. Diffuse swelling was present on the ventral side of the let knee red in colour tender and soft to touch.
2. Diffuse swelling was present on the ventral side of the right knee, it was red in colour tender and soft to touch.
3. Diffuse swelling was present on the lateral side of the left eye, it was red in colour tender and soft to touch. 4. Diffuse swelling was present on the left side of the front of the chest below the nipple. It was red in colour tender and soft to touch.”*

10. Similarly, Dr. Kewal Singh also proved the MLR of Surjit Singh (Ex. PC) and found the following injuries on his person:-

*“1. Diffuse swelling was present on the dorsal side of the left knee, it was red in colour, tender and soft to touch. Movements at the left knee were slightly restricted.
2. Diffuse swelling was present in the middle of the dorsal side of right leg, it was red in colour tender and soft to touch.
3. An abrasion lying obliquely present just above the left eye brow, in its middle, it was 2 cm x 0.2 cm x 0.2 cm it was rod in colour.”*

11. Still further, the investigation in the present case was also proved by ASI Jagdish Singh. During the course of hearing, the arguments were advanced by learned Amicus curiae for petitioners also, but no illegality or infirmity could be pointed out in the impugned judgments passed by the trial Court.



12. Now, advertng to the order on quantum of sentence, this Court cannot lose site of the fact that the petitioners are facing prosecution since 05.11.1996 i.e. for the last more than 29 years. Even as per custody certificates, the petitioners have already undergone more than 02 months of actual sentence, out of maximum sentence of 09 months. Even the sentence imposed on the petitioners was suspended by this Court on 13.09.2011 and in the last more than 14 years, they had maintained good conduct and they are the first offender. Thus, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the petitioners is reduced to the period already undergone by them and the amount of fine imposed on them shall remain same.

13. 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 imposed on them shall remain same.

14. This Court records its appreciation for Mr. K.P.S. Virk, Amicus Curiae, who has rendered able assistance to the Court on behalf of the petitioners. His fee is assessed Rs.20,000/-, which shall be paid by the Secretary, High Court Legal Services Committee, as per rules and practices.

15. All pending applications, if any, are also disposed off, accordingly.

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

17. The trial Court record be sent back to the trial Court.

(N.S.SHEKHAWAT)
JUDGE

27.04.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No