

2026:PHHC:076099



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

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CRR 3074 of 2010

Date of Decision: 11.05.2026

Durjan Singh and others

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. J.S. Saneta, Advocate
for the petitioners.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the present revision petition against the impugned judgment dated 08.11.2010 passed by the learned Additional Sessions Judge, Faridabad, affirming the judgment of conviction and order of sentence dated 10.07.2009 passed by the learned Judicial Magistrate 1st Class, Faridabad, whereby the petitioners were acquitted of the charge under Section 224 IPC, but held guilty for the commission of offence punishable under Section 223 IPC and sentenced to undergo simple imprisonment for a period of one year and to pay fine of Rs.500/- each alongwith default stipulation.

2. During the pendency of the present petition before this Court, petitioner No. 1 Durjan Singh has expired and, therefore, the petition qua him stands abated.

3. The brief facts of the prosecution case are that on 30.10.2003 HC/P-77 AP-Sahib Singh alongwith arm and ammunition

and Durjan Singh No. 646 AP and Mohammad Harun Khan No. 20 AP had left central prison Agra alongwith accused Chaman son of Dal Chand, who was to be produced in the Court Room No.279, IInd floor in Tis Hazari, Delhi, in case FIR No. 40/98 under Section 3 R.P.(UP) Act and after producing the petitioners in the Court at Tis Hazari, they came to New Delhi Railway Station at night at 23.40 hours for coming back to Agra, but there was no train for Agra at that time. So they were travelling in AMU train at 4.10 p.m. alongwith the petitioners for coming to Agra. As soon as the train slowed down near Railway Station Faridabad, then co-accused Chaman immediately got up and gave a pull on rope of handcuff and jumped from the train immediately. Durjan Singh also fell down alongwith him. They saw the incident and raised hue and cry and asked for help to catch the accused and as soon as the train had stopped at the platform, they chased the accused but due to darkness, they could not succeed and the accused managed to escape taking advantage of the bushes on the side of railway station. The case was tried to be registered at Police Station, GRP, Faridabad but they were advised to get the case registered at Police Line, Agra and after correspondence between SSP and SP Railway (H) Ambala Cantt., the case was registered on 13.05.2004 at GRP, Faridabad. Investigation was carried out by ASI Babu Lal. During investigation, ASI Babu Lal arrested petitioner No.2, Sahib Singh, and petitioner No. 3, Mohammad Harun on 17.06.2004, and on 25.07.2004 petitioner No.1, Durjan Singh was arrested. On completion of investigation, *challan* against the accused was filed in the court for trial.

4. After the presentation of *challan*, the petitioners were charge-sheeted for the offences punishable under Sections 223 and 224 IPC, to which, they pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined PW1 Ranjit Singh, ASI, PW2 Ranbir Singh ASI, PW3 Ved Ram Singh Armourer, PW4 Sulash Saran, SI and PW5 Munna Lal SI. Thereafter, evidence of the prosecution was closed.

6. After the 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.

7. No defence evidence was led.

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

9. Learned State counsel submits that the petitioners do not deserve the concession regarding sentence and the present revision petition be dismissed.

10. I have heard learned counsel for the parties and perused the record carefully.

11. In the present case, the prosecution examined Ranjit Singh, ASI as PW1, who was a formal witness. He had registered the FIR and handed over the investigation to PW2 Ranbir Singh ASI. PW2 ASI Ranbir Singh had arrested petitioner No.1 Durjan Singh and produced him before the Court. PW3 Ved Ram Singh stated that on 01.11.2003, due to the slow speed of the train, the petitioners fled away and a handcuff and rope were given to the petitioners and they had deposited back only the key of the handcuff but neither the rope had been deposited back nor the handcuff in the *Malkhana*. The prosecution further examined Sulash Saran as PW4, who had recorded the FIR in the present case and had sent the special report to the Ilaka Magistrate. PW5 Munna Lal proved the Duty Register Ex. PW5/A and order of departure Ex. PW5/B and stated that documents were under his signatures and sufficient guard had been provided to the petitioners in the present case. From the evidence led by the prosecution, it was proved that the offence under Section 223 IPC stood proved against the petitioners and they were rightly convicted by the Courts. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and found that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld.

12. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the that the petitioners No. 2 and 3 have been facing the agony of criminal prosecution since 13.05.2004, i.e., for the last more than 22 years and the sentence awarded to them

was suspended on 06.01.2011 and for the last more than 15 years, they have remained on bail without any misuse of the concession granted to them. As per custody certificate, they have undergone actual custody of more than 02 months out of maximum sentence of one year. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on them is reduced to the period already undergone by them.

13. With the above modifications, the present revision petition is partly allowed and the impugned judgment dated 08.11.2010 passed by the learned Additional Sessions Judge, Faridabad, is 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.

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

11.05.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No