

2026:PHHC:072316



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

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CRR 1694 of 2012

Date of Decision:06.05.2026

Jaspinder Singh Dhami

...Petitioner (s)

Vs.

State of Punjab

...Respondent(s)

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

Present : Mr. Balram Singh, Advocate as Amicus Curiae
for the petitioner.

Mr. Amit Rana, Sr.DAG, Punjab.

Mr. H.K.Aurora, Advocate
for respondent No.2.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment of conviction and order of sentence dated 24.05.2012 passed by the Court of Additional Sessions Judge, Hoshiarpur, whereby the judgment of conviction and order of sentence dated 07.01.2011 passed by the Court of Judicial Magistrate 1st Class, Hoshiarpur, were upheld. However, the order of sentence was modified to the extent that the sentence awarded to the petitioner under Section 452 IPC was reduced from rigorous imprisonment for two years to rigorous imprisonment for one year while maintaining the sentence of fine. The sentence awarded under Section 323 IPC was upheld and the petitioner was directed to undergo rigorous imprisonment for one year.

2. Brief facts of the case are that the complainant JK Khullar has filed the present complaint under Sections 452/323/506 IPC against

the accused Jaspinder Singh. It is alleged that accused is nourishing a grudge against him and his family members. Earlier, he had threatened the complainant, his wife and other family members with dire consequences. The criminal as well as civil litigations are pending between the parties. On 30.11.2000, the complainant alongwith his family was present in his house at Sutehri road. At about 07.30 a.m., petitioner Jaspinder Singh Dhami came there. He was holding brick in his hands. While entering into the house with an intention to kill the wife of complainant, came inside and gave brick injury on the head of wife of complainant, which hit on the left side of her face. Satish Kumar witnessed the entire occurrence. On raising alarm, accused ran away from the spot. The complainant got admitted his wife in Civil Hospital. Thereafter, he went to Police Station Model Town and informed the police about the matter. His wife was not in full senses. But HC Mohan Lal in connivance with the accused, recorded statement without getting the same read over to the complainant or his wife and did not take any action against the accused. The complainant then moved an application to the SSP, Hoshiarpur. No action was taken. Hence, the present complaint.

3. After the preliminary evidence, the petitioner was summoned for the commission of offence punishable under Sections 323, 452 and 506 of IPC.

4. In pre-charge evidence, the complainant examined PW1 Satish Kumar, PW2 claimant JK Khullar himself, PW3 Kiran Khullar, PW4 Daljit Singh and PW5 Dr. TL Bharti.

5. After precharge evidence, the petitioner was charge-sheeted for the offences punishable under Sections 323, 452 and 506 of IPC to which, he pleaded not guilty and claimed trial.

6. In order to prove its case, the prosecution examined PW1 complainant Dial Singh, PW2 Baljit Kaur, PW3 Kulwinder Singh and PW4 ASI Gurumukh. Thereafter, evidence of the prosecution was closed.

7. In the post charge evidence, the witnesses were further cross-examined.

8. After closure of the evidence of the complainant, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case.

9. In defence, the petitioner examined Mohan Singh as DW1 and, thereafter, closed the defence evidence.

10. Learned counsel for the petitioner has vehemently argued that the petitioner was falsely involved in the present case. Even PW5 Dr. T.L.Bharti, had admitted that two lacerated wounds on the person of Kiran Khullar could be suffered on account of a fall against a hard surface. Even the petitioner had been falsely involved due to dispute regarding a passage of ten marlas strip. Still further, the version of the prosecution was highly improbable and unbelievable.

11. On the other hand, learned State counsel has referred to the findings recorded by both the Courts and submitted that both the Courts

had recorded concurrent findings of fact and the prosecution evidence cannot be brushed aside only on the basis of the minor contradictions.

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

13. In the present case, PW3 Kiran Khullar had unfolded the prosecution story and fully proved the case against the petitioner. Her testimony was supported by PW1 Satish Kumar and PW2 J.K.Khullar. All the three witnesses were cross-examined at length, but their presence at the spot could not be doubted in any manner. Apart from that, even no material contradiction could be pointed out in their testimonies. Still further, there was prior long standing litigation and enmity between the parties and the motive was also fully proved on record in the present case. Thus, in view of the aforesaid evidence, the prosecution had been able to prove that the petitioner entered into the house of the complainant and caused injuries to his wife. Even otherwise, I have carefully gone through the judgments passed by the learned trial Court and find that the same do not suffer from any infirmity, illegality, or perversity. Accordingly, the impugned judgment of convictions are ordered to be upheld. The revision petition is ordered to be dismissed.

14. Now, adverting to the order of quantum of sentence, this Court cannot lose sight of the fact that the petitioner is facing the prosecution since 09.12.2000, i.e., for the last more than 25 years. At present, the petitioner is aged about 70 years. Still further, as per the custody certificate, he has undergone 03 months and 08 days out of total sentence of 1 year. Even his sentence was suspended by this Court on

26.07.2012 and in the last more than 13 years, he had maintained good conduct. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on him is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

15. The fee of Mr. Balram Singh, learned Amicus Curiae, who assisted the Court on behalf of the petitioner is assessed at Rs. 20,000/-. The fee shall be paid by the Secretary, High Court Legal Services Committee.

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

06.05.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No