



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-212-2012 (O&M)
Date of Decision:20.03.2026

Manjit Singh and Others ...Petitioners
Vs.
State of Punjab ...Respondent

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

Present: Mr. K.B.S Maan, Advocate,
for the petitioner.

Mr. Bhanu Partap Singh, Addl.A.G., Punjab.

N.S.Shekhawat J.

1. The petitioners have filed the present revision petition against the impugned judgment dated 05.01.2012 passed by the Court of Additional Sessions Judge (Fast Track Court), Bathinda and the impugned judgment of conviction and order of sentence dated 07.08.2010, passed by the Court of Judicial Magistrate Ist Class, Phul, whereby the petitioners were ordered to be convicted for the offences punishable under Sections 148,326,325,324 r/w Section 149 of IPC and were sentenced as under:-

Under Section 148 IPC	R.I for a period of one year and to pay a fine of Rs.1000, in default of payment of fine, to further undergo RI for a period of 15 days.
Under Section 324 IPC	R.I for a period of one year and to pay a fine of Rs.1000, in default of payment of fine, to further undergo RI for a period of 15 days.

Under Section 325 IPC	R.I for a period of one year and to pay a
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	fine of Rs.1500, in default of payment of fine, to further undergo RI for a period of one month.
Under Section 326 IPC	R.I for a period of one year and to pay a fine of Rs.1500, in default of payment of fine, to further undergo RI for a period of one month.

2. The brief facts of the case are that on 26.10.2005, ASI Jugraj Singh received a medical ruqa from the Police Station Rampura. On 27.10.2005, he alongwith other police officials reached Civil Hospital, Rampura and obtained the opinion of doctor regarding fitness of injured Gurnand Singh to make statement. The doctor declared the injured fit to make statement, whereupon ASI Jugraj Singh recorded the statement of Gurnand Singh to the effect that he is resident of village Mandi Kalan. On 26.10.2005, at about 4.30/4.45 p.m., when he went to Mehta Chowk, Mandi Kalan, for buying vegetables, Harjit Singh Kala armed with *gandasa*, Lakha son of Manjit Singh armed with *gandasa*. Manjit son of Jang Singh armed with *lathi* and Gurmit son of Jang Singh armed with *gandasa*, Akattar son of Manjit Singh armed with *soti (lathi)*, who are his neighbours, came out of their houses raising *lalkaras* and Kala Singh asked that he(complainant) be taught lesson for fighting with children. Harjit Singh gave a *gandasa* blow from its reverse side on the right leg and right knee of Gurnand Singh, as a result of which, he fell down on the ground. While he was lying down on the ground, Lakha Singh gave a *gandasa* blow on his left leg. Manjit Singh gave a stick blow on his left shoulder and Gurmit Singh gave a *gandasa* blow on his left arm. Gurmit Singh also gave a *gandasa* blow from its reverse side on his back. He raised *raula* “marta marta”, his son Dilawar Singh came there and saved him from the clutches of accused. Accused



fled from the spot. A quarrel had also taken place between them earlier.

3. After the recording of the FIR, the spot was inspected and the site plan of the place of occurrence was prepared. Even, the statements of various witnesses were recorded. Since, the injuries No.1 to 5 and 8 were declared to be grievous and the offence under Section 326 & 325 of IPC were added in the present case. During investigation, accused Manjit Singh and Akattar Singh were found innocent and challan against the remaining accused was presented before the Court of Area Magistrate. However, during the course of trial, accused Manjit Singh and Akattar Singh were also summoned by the Trial Court under Section 190 Cr.P.C.

4. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 148, 326, 325, 324, 149 of IPC was made out against the accused and they were charge-sheeted accordingly. However, the accused pleaded not guilty and claimed to be tried by the Trial Court.

5. In order to prove the charge against the accused, the prosecution examined 06 witnesses. Gurnand Singh complainant as PW-1, Dilawar Singh as PW-2, Dr. Rakesh Goyal, Senior Medical Officer as PW-3, ASI Jugraj Singh as PW-4, Dr. G.S Maan, Medical Officer as PW-5 and HC Bhupinderjit Singh as PW-6 and closed the prosecution evidence.

6. After the closure of the prosecution evidence, the statement of accused were recorded under Section 313 Cr.P.C and all the incriminating evidence was put to them, to which they pleaded that he had been falsely involved in the present case and stated that they had not caused any injury to the complainant and in their defence accused examined Pawan Kumar @ Pamma as



DW-1.

7. At the very outset, learned counsel appearing on behalf of the petitioners submits that he does not wish to challenge the impugned judgments of conviction and some leniency may be shown by this Court, while awarding the sentence to them. Even though, learned counsel for the petitioners has not challenged the judgment of conviction, still this Court has considered the case on merits.

8. I have heard the learned counsel for the parties and with their able assistance, I have gone through the trial Court record carefully

9. In the present case, Gurnand Singh, complainant was examined as PW-1, who reiterated his version as per his statement Ex.PA and narrated the role of each of the petitioners. Dilawar Singh, PW-2 an eye witness corroborated the testimony of PW-1. Dr. Rakesh Goyal was examined as PW-3 and he conducted the medico legally X-Ray of Gurnand Singh and X-report is as under:-

“1. X-ray right leg with knee ankle AP and lateral views multiple fractures of tibia corresponding to injury No. (1) to (4) are seen. No Callus seen.

2. X-ray left leg with knee and ankle AP and lateral views-Fracture fibula seen at junction of upper 2/3 & lower 1/3rd of fibula. No callus seen.

3. X-ray left forearm with elbow AP and lateral views No bony injury seen.

4. X-ray chest for ribcage AP and PA views-Fractures 7th and 8th ribs seen on left side. No callus seen. Surgical empysema seen on left side.

He has proved the X-ray report Ex. PW3/B and X-ray films MO1 to MO7”.



10. PW-4 ASI Jugraj Singh was the Investigating Officer of the present case and he had got the FIR registered and recorded the statement of the complainant. He also obtained the opinion regarding nature of injuries and also proved the recoveries in the present case. Dr.G.S Maan was examined as PW-5, who found the following injuries on the person of Gurnand Singh

1. *An incised wound 9 cm into 3 cm into bone deep on the anterior aspect of middle 1/3rd of right leg, 2.5 cm away shin. Fresh bleeding present (advised X-ray).*
2. *A lacerated wound 1cm into 0.75 cm into skin deep on antero-medial aspect of right leg, 5.5cm.proximal to injury No.1 and 3.5cm away from shin. Fresh bleeding present. (advised X-ray).*
3. *A lacerated wound 1cm into 1cm into skin deep. 3cm below injury no.1 on medial aspect of right leg, 3cm distal to injury No.1 (advised X-ray).*
4. *A lacerated wound of 1cm into 0.5cm.proximal to medial malleolus about 10cm above medial malleolus, fresh bleeding present (advised X-ray).*
5. *Two incised wounds 2.5cm into 0.75cm on shin of left leg. 2cm apart from each other at the middle 1/3rd of left leg(advised X-ray).*
6. *A lacerated wound 2 cm into 1cm just above the left tibial tuberosity, fresh bleeding present (advised x-ray).*
- 7.*An incised wound 6cm into 3cm into skin deep on the postero-lateral aspect of left forearm, 13cm distal lateral epicondyle of humerus, fresh bleeding present (advised X-ray).*
8. *Complains of pain & tenderness left side of back of chest. (advised X-ray).*

He has proved the copy of MLR Ex. PW5/1, pictorial diagram Ex.PW5/2. ruga sent to the police station Ex. PW4/2, his endorsement Ex.PW4/4 and Ex. PW4/6 on the police request Ex. PW4/3 and Ex.PW4/5 respectively. He



also testified that on police request Ex. PW4/10, he made his endorsement Ex. PW4/11 and declared the injuries No.1 to 4. 5 and 8 as grievous and injuries No.6 and 7 are simple. He further testified that on police request Ex.PW4/22, vide his endorsement Ex.PW4/23 had given his opinion regarding the weapon used for inflicting injuries.

11. PW-6 HC Bupinderjit Singh brought the *Rojnamcha* dated 28.10.2005 and proved the copy of rapat as Ex.PW-6/1.

12. In order to prove the defence, the accused had examined DW-1 Pawan Kumar @ Pamma, however, his presence at the place of occurrence was highly doubtful.

13. From the evidence led by the prosecution, it was apparent that all the petitioners had formed an unlawful assembly and were armed with deadly weapons like *Gandassas* and sticks. They caused grievous hurt upon Gurnand Singh by means of *Gandassas* and sticks and the offence under Sections 325/326 IPC was clearly made out in the present case. Even, the oral testimony of PW-1 Gurnand Singh, it was apparent that all the petitioners had participated in the occurrence and they had been rightly convicted for the offences punishable under Sections 148,326,325,324 r/w Section 149 of IPC.

14. Now, advertng to the order of sentence in the present case, Manjit Singh, petitioner No.1 has undergone more than 02 months, Gurmit Singh, petitioner No.2 has undergone more than 05 months, Akattar Singh, petitioner No.3 has undergone more than 03 months, Lakha Singh, petitioner No.4 has undergone more than 05 months and Harjit Singh, petitioner No.5 has undergone more than 05 months. It is also apparent that all the petitioners in the present case are facing the audial of prosecution since 27.10.2005 i.e for the last



more than 20 years. Even, sentence imposed on the petitioners were ordered to be suspended by this Court 06.03.2012 and in the past more than 14 years, they had been maintained good conduct and were not involved in any other crime and they are the first offenders. Still further, except Lakha Singh, petitioner No.4, four other petitioners are senior citizens. Thus, keeping in view the aforesaid mitigating circumstances, it would be appropriate to reduce the sentence imposed on the petitioners to the period already undergone by them in the present case.

15. With the above modifications, the present revision petition is partly allowed and the impugned judgment of convictions are upheld, whereas, the sentence imposed on the petitioners is reduced to the period already undergone by them.

16. Pending application(s), if any, stand(s), disposed of, accordingly.

20.03.2026
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(N.S.SHEKHAWAT)
JUDGE

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