



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

CRR-342-2012

Date of Decision:05.05.2026

Gurparshad

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present: Mr. Tapan Kumar Yadav, Advocate
 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 04.01.2012, passed by the Court of Additional Sessions Judge, Hoshiarpur, whereby, the sentence imposed on the petitioner under Section 323 IPC was reduced to the period from six months to three months and the sentence imposed under Section 326 r/w Section 34 IPC was reduced from one year to six months and the impugned judgment of conviction and order of sentence dated 01.09.2005, passed by the Court of Sub-Divisional Judicial Magistrate, Dasuya, whereby the petitioner was ordered to be convicted for the offence punishable under Sections 326/34 and 323 of IPC.

2. The brief facts of the prosecution case are that the present case was registered on the statement (Ex. PA) of Harman Dass PW-1, who is chowkidar of village Toe Makhawal. On 27.07.1999, he was present at the chaurasta of his village in connection with his duty as Chowkidar. In the meanwhile, Resham Chand (PW-12) also came there. Both of them were talking. In the meanwhile, Joginder Pal son of Biru Ram (PW-9) also came there.



It was about 9:30 P.M, street light was illuminating. In the meantime, Sarpanch Kishan Chand armed with *datar* came there. He started arguing with Joginder Pal as what he had done after getting enquiry of *shamlat* land. The arguments heated up. Then, Gurparshad son of Jassa (accused-appellant) armed with stick, Mohinder Singh armed with *Kirpan*, Ramji empty handed came there. Ramji raised *lalkara* as whosoever cut stopped Kishan Chand, his tongue be cut down. Kishan Chand gave *datar* blow from sharp side hitting on the right knee of Joginder Pal, resultantly, Joginder Pal fell down. Gurparshad gave stick blow hitting on the left shoulder and Mohinder Singh gave *Kirpan* blow hitting from sharp side on the mouth of Joginder Pal. Joginder Pal raised alarm '*Maar Ditta Maar Ditta*'. The complainant intervened thereafter all the assailants left the place of occurrence with their respective weapons. They also threatened that on that date they spared them otherwise they would have been killed. The motive of the occurrence was that Sarpanch Kishan Chand gave illegal possession of the *shamlat* land to Jassa Ram. To enquire the matter Secretary of BDPO came on the previous date. The complainant was also there. There was a verbal arguments between Kishan Chand Sarpanch and Joginder Pal, Kishan Chand gave threats to Joginder Pal for teaching him a lesson for getting the enquiry conducted. The injured persons were shifted to Civil Hospital, Dasuya as Joginder Pal was unfit to make statement, therefore the statement of complainant was recorded. After registration of the case the investigation commenced and after completion of the investigation challan was presented in the Court.

3. After perusing the challan and accompanying documents, the Trial Court found that a prima facie case under Sections 326,323 read with Section



34 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 13 witnesses.

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 had been falsely involved in the present case. No defence evidence was led by the petitioner in his defence.

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

7. To prove the case, the prosecution examined PW-1 Harnam Dass, eye witness in the present case and his testimony was supported by Jhilmil Singh PW-2 and Joginder Pal, injured/eye-witness PW-3. PW-5 Dr. Gulwinder Singh, Dental Officer had proved the medical record in the present case. Dr. H.S Sandhu, PW-6 had conducted the X-Ray examination of Joginder Pal and Dr.N.K Singh, PW-8 had prepared the MLRs and X-Ray reports in the present case. PW-11 ASI Balbir Singh, Investigating Officer also proved the other material documents of the prosecution and fully proved the case against the present petitioner.



8. From the evidence led by the prosecution, it was apparent that the petitioner and his co-accused were the aggressors and with their common intention, armed with weapons came at the place of occurrence and caused injuries on the person of PW-3 Joginder Pal. Even, Joginder Pal, injured in his defence snatched the *dang* from Gurparshad and caused injuries on his person. Thus, the petitioner and his co-accused were rightly held guilty for commission of the offences punishable under Sections 326/323/34 of IPC. Even otherwise, I have gone through the impugned judgments passed by the Courts below and find that there is no illegality, perversity or infirmity in the impugned judgments of conviction passed by the Courts below and the same are upheld.

9. 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 28.07.1999 i.e. for the last more than 26 years and is a first offender. Moreover, at present, the petitioner is a senior citizen. Still further, the sentence imposed on the petitioner was ordered to be suspended by this Court on 07.03.2012 and he had maintained good conduct. Moreover, he has already undergone more than 03 months and 15 days of actual custody. Thus, keeping in view the peculiar facts and circumstances of the present case as well as the law laid down by the Hon'ble Supreme Court in the matter of ***Som Dutt and others Vs State of Himachal Pradesh (2022) 6 SCC 722*** and ***Lakhvir Singh Vs State of Punjab (2021) 2 SCC 763***, the petitioner is ordered to be released on probation for a period of one year subject to his furnishing a personal bond in the sum of Rs.10,000/- with a surety of like amount. The petitioner shall submit an undertaking to maintain peace and good behaviour for a period of one year to the satisfaction of the Trial Court/CJM concerned within



a period of four weeks from today. In case, he does not comply with the directions or there is any breach of undertaking, he shall be liable to undergo the sentence which was imposed on him by the Appellate Court. Still further, in view of Section 12 of the Probation of Offenders Act, the judgements passed by both the Courts as well as this Court shall not be a hurdle to the petitioner in any manner to get the service benefits to which he is entitled.

10. The present revision petition is disposed off, accordingly.

05.05.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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