



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

CRR-1886-2016

Date of Decision:20.04.2026

Babbu

...Petitioner

Vs.

State of Punjab

...Respondent

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

Present: Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. Charanpreet Singh, Addl.A.G., Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition against the impugned judgment dated 08.02.2016, passed by the Court of Sessions Judge, Sangrur, whereby, the judgment of conviction and order of sentence dated 19.03.2014, passed by the Court of Judicial Magistrate Ist Class, Malerkotla, vide which the petitioner was ordered to be convicted for the offence punishable under Sections 323,325,341 r/w Section 34 of IPC and has been modified and granted the benefit of probation under Section 4(1) of Probation of Offenders Act.

2. The brief facts of the present case are that on 28.07.2007, medico-legal report in respect of injured Abdulla son of Vali Mohammad, resident of Kila Rehmatgarh, was received from Civil Hospital, Malerkotla, upon which Sub Inspector Surjit Singh, Police Station City, Malerkotla along with Constable Gurdas Singh reached Civil Hospital, Malerkotla and moved an application before the doctor to know about fitness of injured; however, the doctor declared the injured unfit to make a statement; on 29.07.2007, the



investigating officer again went to Civil Hospital, Malerkotla and the injured having been declared fit to make statement, the recorded statement of injured Abdulla to the effect that he was milk vendor by profession; that on 27.07.2007 at about 10-00 pm., after finishing his work, he was returning to his home on motor cycle bearing registration no. PCI-4707; that he was in the process of approaching embankment of drain, when four young persons, with muffled faces, one of whom was carrying sword, while the others were having sotis (sticks), were found standing there and the fifth person was sitting on the scooter, that on seeing the injured-complainant, one of the afore-stated persons inflicted soti blow on his fore-head, upon which, he fell down on the ground; that the other assailants caused him injuries with their respective weapons; that one of the assailants, who was having sword, gave blow of sword, on his right palm, while the other assailants caused injuries on his right elbow (two in number), right thigh, left thigh, on right leg below knee. When the person with sword came towards him, hand of complainant touched his face due to which the cover on the face of said person got removed and he was identified by complainant- injured to be accused Babbu and was known to him earlier and friend of said accused namely Shankar was also with him who was being addressed by accused Babbu as Shankar; during the fight, one HMT watch of complainant, one gold ring and cash amount of 20,000/- had also fallen at the spot which might have been taken by the accused when the complainant was lying unconscious. Gafoor son of Ibrahim transported him to the hospital; on the aforestated statement of complainant-injured Abdulla, Exhibit P6, formal First Information Report no.101 dated 29.07.2007, under Sections 341, 323, 379, 148 read with Section 149 of the Indian Penal Code, Exhibit P8, was



registered against accused Babbu and Uma Shankar and three unidentified person, at Police Station City, Malerktola; that the investigating officer reached the spot, prepared rough site plan with marginal notes; recorded statements of witnesses and after completion of investigation challan was presented against accused Babbu and Uma Shankar under Sections 341,325 and 323 r/w Section 34 of the Indian Penal Code.

3. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 341,325 and 323 r/w Section 34 of the Indian Penal Code was made out against the petitioner and he was charge-sheeted accordingly. However, he 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 06 witnesses. PW-1 Sub Inspector Surjit Singh, Investigating Officer, PW-2 Abdulla, injured- complainant, PW-3 Swaranjit Singh, retired Inspector, PW-4 ASI Sukhdev Singh, PW-5 Dr. Jamil Bhatti and PW-6 Dr. Daljinder Singh and thereafter, the evidence of prosecution was closed.

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

6. Learned counsel for the petitioner has vehemently argued that in the present case, the Trial Court had wrongly convicted the petitioner under Sections 323,325,341 r/w Section 34 of IPC. In fact, the MLR of the complainant in the present case was manipulated. Even, there was neither any



allegation in the F.I.R nor any injury was shown on foot in the MLR. However, one supplementary MLR was prepared on 03.08.2007 and X-Ray was conducted on 04.08.2007 and Section 325 IPC was wrongly added. He further submits that even the F.I.R was lodged after two days of occurrence and this delay also proves that the time was utilized by the complainant in coining a false version against the present petitioner. Apart from that, it was apparent that the injuries were self-suffered and the petitioner was wrongly involved in the criminal case. Thus, the petitioner may be acquitted of the charge in the present case.

7. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner has been rightly convicted under Section 323,325,341 r/w Section 34 of IPC and has been ordered to be released on probation. Thus, the petition deserves to be dismissed by this Court.

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, the occurrence had taken place at 10:00 P.M on 27.07.2007 and Abdulla, injured/complainant was taken to Civil Hospital, Malerkotla, where, he was medico-legally examined at 11:30 P.M, which is proved from the copy of MLR (Ex.P-1/A). Still further on 28.07.2007, injured/complainant Abdulla was declared unfit to make statement, however, he was declared fit to make statement on 29.07.2007 and on the basis of his statement, the FIR Ex. P-8 was recorded. Thus, the delay in lodging the FIR in the present case already stood explained properly. Apart from that, the injured/complainant Abdulla was examined as PW-2 and he had levelled



allegations against the petitioner in the present case. He supported the prosecution case in totality. Abdulla was cross-examined at length, however, his testimony could not be shaken in any manner. Apart from that, PW-3 Dr. Jamil Bhatti proved the MLR Ex.P-1, which shows that Abdulla was seriously injured in the occurrence. Apart from that, PW-1 ASI Surjit Singh and PW-3 Swaranjit Singh, Inspector had proved the investigation in the present case. Thus, the allegations levelled by the complainant were found to be genuine and there was sufficient evidence to prove the involvement of the petitioner in the crime. Thus, the Trial Court has rightly convicted the petitioner under Sections 323,325,341 r/w Section 34 of IPC. Even, the Ist Appellate Court has already taken a lenient view of the matter and the petitioner has already been ordered to be released on probation under Section 4(1) of the Probation of Offenders Act.

10. Thus, no interference is called and the present revision petition is ordered to be dismissed.
11. Ordered accordingly.

20.04.2026

hitesh

Whether speaking/reasoned
Whether reportable

(N.S.SHEKHAWAT)

JUDGE

`: Yes/No
: Yes/No