

<i>Darshan Singh</i>	<i>452 IPC</i>	<i>RI for 1 year</i>	<i>Rs.1000/- (in default SI for 1 month)</i>
	<i>323 IPC</i>	<i>RI for 6 months</i>	<i>—</i>
<i>Punjab Singh</i>	<i>452 IPC</i>	<i>RI for 1 year</i>	<i>Rs.1000/- (in default SI for 1 month)</i>
	<i>324 read with Section 34 IPC</i>	<i>RI for 1 year</i>	<i>Rs.500/- (in default SI for 1 month)</i>
	<i>323 IPC</i>	<i>RI for 6 months</i>	<i>—</i>

2. Brief facts of the prosecution story are that on 08.04.2014 one telephonic message was received from PS Talwandi Sabo that Gurdev Singh son of Amar Singh and Gulzar Singh son of Jeon Singh were admitted in Civil Hospital Talwandi Sabo due to injuries. On this ASI Amarjit Singh went to Civil Hospital Talwandi Sabo and received MLR of both the injured. In the MLR of Gurdev Singh bearing No.JJ/55/T.Sabo/14 the doctor had shown two injuries out of which injury No.1 was caused with sharp edged weapon and injury No.2 was caused with blunt edged weapons and both the injuries were kept for X Ray opinion. In the MLR of Gulzar Singh bearing No.JJ/55/T.Sabo/14 the doctor had shown five injuries which were caused with blunt edged weapons and all the injuries were kept for X Ray opinion. Thereafter, ASI sought the opinion of the doctor regarding the fitness to give statement of injured and Gurdev Singh got recorded his statement with the IO to the effect that he is resident of Village Ghuman Kalan. A day before giving his statement, the relative of complainant namely Gulzar Singh son of Jeon Singh was present in his house. As per daily routine, his family after taking dinner, was going to sleep. Then at about 10.00

p.m. someone knocked at their door. At that time the bulb of court yard of their house was on. The complainant opened the door and saw that Darshan Singh son of Puran Singh armed with *gandasa*, Bittu Singh son of Darshan Singh armed with *dang*, Manpreet Singh son of Darshan Singh armed with stick all residents of Village Ghuman Kalan and Punjab Singh who was having stick resident of Village Ghuman Khurd were standing there. All the accused entered in the house of complainant. Then Darshan Singh raised a *lalkara* to teach a lesson to complainant party for taking water. Thereafter, Bittu Singh gave a blow of stick to the complainant which hit on the left leg of complainant. Then Darshan Singh gave a blow of *gandasa* to the complainant which hit on his head. The complainant raised alarm and then his relative Gulzar Singh tried to rescue the complainant from the clutches of accused persons. Then Bittu Singh gave a blow of stick to Gulzar Singh which hit Gurdev Singh, Darshan Singh gave blow with *gandasa* on the chest of Gulzar Singh. Thereafter, Manpreet Singh gave a blow of stick to Gulzar Singh which hit on his right leg. Then Punjab Singh gave a blow of stick to Gulzar Singh which hit on his right arm. Then Darshan Singh gave a blow of *gandasa* from its back side to Gulzar Singh which hit on his neck. Then Punjab Singh gave another blow of stick to Gulzar Singh which hit on his left feet. Then both of them raised alarm and then the nephew of complainant namely Malkiat Singh came at the spot. Then all the accused persons while abusing the complainant party, fled away from the spot with their respective weapons. Motive behind the occurrence is that as the seasonal crop has already been riped, so there

was no need of canal water to the farmers for their fields. Therefore, due to surplus water in the drain, Darshan Singh has taken the water for his crop wheat and the complainant and his nephew namely Malkiat Singh have also taken the water for the same purpose which was objected by Darshan Singh. Due to this, the accused persons have inflicted injuries upon their person. He finally prayed for taking action against the accused persons. On the statement of the complainant FIR was registered in the present case. Further investigation was carried out. Statements of witnesses were recorded. After completion of the investigation, *challan* was presented in the Court.

3. After the presentation of *challan*, the petitioners were charge-sheeted for the offences punishable under Sections 452, 324, 323 and 34 of IPC, to which, they pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined Gurdev Singh as PW-1, Gulzar Singh as PW-2, Malkiat Singh as PW-3, Dr. Jatinder Juneja as PW-4 and ASI Amarjit Singh as PW-5. Thereafter, evidence of the prosecution was closed by order.

5. After 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. No evidence was led in defence.

6. 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 on them. Even though,

learned counsel for the petitioners has not challenged the judgements of convictions, still, this Court has considered the case on merits.

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

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

9. In the present case, complainant Gurdev Singh was examined as PW1, who stated that on 07.04.2014, his relative Gulzar Singh was present with him and after dinner, they were going to sleep at about 10:00 to 10:30 p.m., one person knocked at the door of their house and they found that Darshan Singh armed with *gandasa*, Manpreet Singh armed with *dang* and Punjab Singh armed with a *dang*, were present there and they had entered his house. Thereafter, Darshan Singh exhorted other accused to teach a lesson to the complainant for taking water. Bittu Singh gave a blow of stick to the complainant which hit on the left leg of complainant. Then Darshan Singh gave a blow of *gandasa* to the complainant which hit on his head. The complainant raised alarm and then his relative Gulzar Singh tried to rescue the complainant from the clutches of accused persons. Then Punjab Singh gave a blow of stick to Gulzar Singh which hit in the chest of Gulzar Singh. Thereafter, Manpreet Singh gave a blow of stick to Gulzar Singh which hit on his right leg. Then Punjab Singh gave a blow of stick to Gulzar Singh which hit on his right arm. Then Darshan Singh gave a blow of *gandasa* from its back side to Gulzar Singh which hit in his neck. Then Punjab Singh

gave another blow of stick to Gulzar Singh which hit on his left feet. Then both of them raised alarm and then the nephew of complainant namely Malkiat Singh came on the spot. Upon this, all the accused persons while abusing the complainant party, fled away from the spot with their respective weapons. Motive behind the occurrence is that as the seasonal crop has already ripened, there was no need of canal water to the farmers for their fields. Therefore, due to surplus water in the drain, Darshan Singh has taken the water for his crop of wheat and the complainant and his nephew namely Malkiat Singh have also taken the water for the same purpose which was objected by Darshan Singh. Due to this the accused persons have inflicted injuries upon their person. The statement of PW1 Gurdev Singh was duly corroborated by the testimony of PW2 Gulzar Singh, injured PW3 Malkiat Singh, eye witnesses. All the three witnesses were subjected to incisive cross-examination by the learned defence counsel, however, their testimonies could not be shattered in any manner. Even the ocular account was duly corroborated by the statement of PW4 Dr. Jatinder Juneja, who conducted the medico legal examination of Gurdev Singh Ex.PW4 /C, pictorial diagram Ex. PW4/D, whereas the carbon copy of MLR of Gulzar Singh was proved as Ex. PW4/E. Thus, the prosecution had led sufficient evidence to show that the petitioner had committed the offences under Sections 452, 324 and 323 of IPC. 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.

10. Now adverting to the order on quantum of sentence, this Court cannot lose sight of the fact that the is facing the agony of trial/appeal since 08.04.2014, i.e., for the last more than 11 years. The sentences imposed on the petitioners were suspended by this Court on 11.05.2017 and in the last more than 09 years, they have maintained good conduct and have not misused the concession of suspension of sentence in any manner. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the petitioners are reduced to the period already undergone by them.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgement dated 17.02.2017 passed by the Court of Additional Sessions Judge, Bathinda, and the judgement of conviction and order of sentence dated 13.06.2016 passed by the Court of Judicial Magistrate 1st Class, Talwandi Sabo, are 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.

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

21.04.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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