

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2026:PHHC:024784



CRR-3832-2018 (O&M)
Date of decision: 17.02.2026.

MANJIT SINGH AND OTHERS

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Manpreet Singh, Advocate, for
Mr. Arnav Sood, Advocate,
for the petitioners.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petition is to the judgment of conviction and order of sentence dated 07.09.2017 passed by the Judicial Magistrate First Class, Dasuya, whereby the petitioners have been ordered to be released on probation on their furnishing probation bonds in the sum of Rs. 10,000/- with one surety of the like amount as well as to the judgment dated 22.05.2018 passed by the Additional Sessions Judge, Hoshiarpur, in Criminal Appeal No.CIS No.338 of 06.10.2017, whereby the appeal preferred by the petitioners has been dismissed and order of releasing them on probation has been upheld.

2 Tersely, facts of the case are that on 19.06.2013, three medico-legal reports pertaining to injured namely Davinder Singh, Manjit Singh and Sukhbir Kaur, all residents of Village Kandhala Jatta, were received at Police Station Tanda and entrusted for inquiry. The police party reached Community Health Centre, Tanda, however, the injured were declared unfit to make statements at that time. Subsequently, on 21.06.2013, injured Davinder Singh was declared fit and his statement was recorded. In his statement, Davinder Singh alleged that on the evening of 19.06.2013, upon hearing noise from his house, he found the accused persons, namely Manjit Singh, Sukhvir Kaur, Rajdeep Kaur and one unknown person, armed with various weapons, abusing his wife and pelting stones from the roof of their adjoining house. When he confronted them, the accused allegedly raised a lalkara and trespassed onto his roof, whereafter Manjit Singh inflicted a kirpan blow on his chest and back, the unknown person caused injury with a sharp-edged weapon on his knee and Rajdeep Kaur gave a danda blow on his head, as a result of which he fell down. It was further alleged that the accused dragged him towards their house and caused further injuries, until he was rescued by his family members and taken to the hospital. On the basis of the aforesaid statement, FIR No.152 dated 21.06.2013 was registered under Sections 323, 324 and 34 IPC. During investigation, statements of witnesses under Section 161 Cr.P.C. were recorded. A cross-version was also registered on the basis of the statement of Sukhvir Kaur vide DDR No.32 dated 21.06.2013 under Sections 323, 354, 452 and 34 IPC. During inquiry, accused Rajdeep Kaur was found innocent. Upon completion of investigation, the accused were arrested and the final report

under Section 173 Cr.P.C. was presented before the trial Court.

On presentation of challan and on appearance of accused before the court, all relevant copies of documents, as relied upon by prosecution were supplied to the accused free of costs.

3 Finding prima-facie case for the offence punishable under section 323, 324,342,448,34 IPC, accused were charge-sheeted accordingly to which they pleaded not guilty and claimed trial.

4 To prove its case, prosecution examined Davinder Singh as PW1, Kulwant Kaur as PW-2, Dr. Preet Mohinder Singh as PW-3, ASI Dilbagh Singh as PW-4 and Rajesh Rani as PW-5 (wrongly written as PW-4)

5 After closing evidence of prosecution, statement of accused was recorded under section 313 Cr.PC in which all the incriminating evidence against the accused was put forth, to which they pleaded their innocence and stated that they have been falsely implicated in the present case. They also stated that on 19.6.2013 at about 08:15 p.m., Davinder Singh came from his house and scaled the wall of the house of Manjit Singh and torn the clothes of Sukhvinder Kaur. Further, Davinder Singh rubbed her breast and abdomen, Kulwinder Kaur slapped her, gave bricks and bat blows and a cross case was registered against the accused and the injuries suffered by Davinder Singh in the cross case are self-suffered.

6 Opportunity was given to accused to lead its defence evidence, however, they verbally objected to the evidence of the prosecution.

7 Upon consideration of the evidence as well as arguments advanced by the parties, the petitioners herein were convicted for commission of the offences under Section 323 r/w 34 IPC vide judgment of

conviction and order of sentence dated 07.09.2017, however, they were released on probation.

8 Aggrieved thereof the petitioners preferred an appeal before the Court of Sessions. However, the Additional Sessions Judge, Hoshiarpur, upheld the aforesaid judgment passed by the trial Court thus leading to filing of the present petition.

9 Learned counsel appearing on behalf of the petitioners submits that the benefit of probation has been inappropriately granted, whereas the petitioners were entitled for acquittal. He submits that the incident in question took place in the house of petitioner no.1-Manjit Singh, where Davinder Singh and Kulwinder Kaur caused injuries to the petitioners, which such facts were corroborated during trial and they were also convicted for offences under Sections 452, 354, 323 and 34 of the Indian Penal Code, 1860. It is further submitted that the same establishes that Davinder Singh and Kulwinder Kaur were, in fact, the aggressors who had entered the house of the petitioners. The petitioners were, thus, wrongly convicted for commission of offence under Sections 323 and 34 of the IPC.

10 On the other hand, the learned State counsel, while opposing the submissions advanced on behalf of the petitioners, has argued that the prosecution has successfully established the guilt of the petitioners through cogent, reliable, and convincing evidence brought on record during trial.

11 I have heard the learned counsel appearing for the parties and have gone through the documents appended along with the present petition as well as the judgments under challenge passed by the trial Court as well as the Appellate Court.

12 It is undisputed that it is a case of version and cross-version while the petitioners herein have been nominated as an accused on the complaint of Davinder Singh. The said Davinder Singh and Sukhvir Kaur had been nominated as accused vide DDR Entry No.32 dated 21.6.2013. Manjit Singh i.e. the petitioner No.1 herein is the brother of Davinder Singh and Sukhvir Kaur is sister-in-law of complainant Davinder Singh. In the statements recorded under Section 313 Cr.P.C., a specific stand had been taken to the effect that on 19.06.2013, Davinder Singh had come to the house of Manjit Singh by scaling the wall and caught Manjit Singh from behind and gave beatings. It is further noticed that Manjit Singh and others came to the roof to save Sukhvir Kaur. The appellate court recorded as under: -

“15. The occurrence took place on 19.6.2013, at about 8.15 PM. Admittedly, as has come in the testimony of Dr. Preet Mohinder Singh, apart from injured-complainant Davinder Singh, Sukhbir Kaur and Manjit Singh, appellants-convicts, also suffered injuries on their persons and were medically examined by the Doctor. Interestingly, though intimation regarding admission of the injured in Civil Hospital, Tanda, was sent immediately by the Doctor to police station Tanda and ASI Davinder Singh reached Civil Hospital, Tanda to record the statement of injureds, neither the injureds from the complainant side nor accused Sukhbir Kaur or Manjit Singh got recorded their statement before the ASI at that time. Rather, all the injureds gave their short statements to the effect that, on account of injuries suffered by them and due to effect of medicine, they are not in a position to give any statement. Subsequently, present complainant Davinder Singh got recorded his statement before ASI Dilbagh Singh on 21.6.2013,

on the basis of which, present FIR was registered against the appellants-convicts.

16. Complainant Davinder Singh has alleged attack on his person by Manjit Singh, Sukhbir Kaur and Rajdeep Kaur and purportedly received simple and grievous injuries on his person. Simultaneously, Sukhbir Kaur and Manjit Singh also received injuries on their persons. The MLRs of appellants-convicts have been proved on record by Dr Preet Mohinder Singh as Ex.D1 to Ex.D3, respectively.

17. The learned trial court, though, believed the version of complainant with respect to simple injuries on his person, with respect to grievous injury on the left little finger of Davinder Singh, has relied upon the opinion of Dr. Preet Singh to the effect that the said injury on the person of Davinder Singh could be self suffered or by friendly hand and has further taken note of the fact that neither the kirpan was recovered nor the dimensions of kirpan were given by the injured. In this context, it needs to be observed here that as per complainant Davinder Singh appellant-convict Manjit Singh was armed with kirpan, with which Manjit Singh allegedly gave blow on Davinder Singh but to ward off the said blow, Davinder Singh raised his left hand and the blow fell on his left little finger. However, the dimensions and the simple nature of said injury belie the version of Davinder Singh that the same was inflicted by Manjit Singh by raising kirpan with full force. Had Manjit Singh actually been armed with kirpan and had Manjit Singh lifted the kirpan to inflict deadly blow on Davinder Singh, the impact of the same, on the left little finger of Davinder Singh would have been much more powerful and damaging, which is not so. Rather the dimensions of the injury i.e. 4.5 x1.0 x 1.0 cm show that the said injury, even if not self suffered, might have been suffered during free fight / scuffle, which ensued between the

parties after the two sides came face to face of each other on the terraces of the two houses. However, the version of complainant Davinder Singh, in this regard, fails to inspire confidence. It has to be kept in mind that when both the parties are related to each other and have been at loggerheads with each other due to strained relationship and yet both the sides take two days in lodging of FIR, there arises the grave possibility of exaggerations and concoctions creeping in the version of both the sides. Had complainant Davinder Singh actually suffered injury on his person by means of kirpan, he would have immediately got recorded his statement before the Investigating Officer to ensure that immediate action is taken against Manjit Singh appellant-convict, who incidentally was also undergoing treatment at Civil Hospital, Tanda at the same time. However, no effort was made by the complainant to immediately lodge the FIR, despite the fact that appellants-convicts are alleged to have mounted attack with dang, kirpan and bhala on the complainant side and despite the fact that there was extreme ill-will in the mind of both the sides, on account unacceptability of alleged relationship between Sukhbir Kaur and Manjit Singh, who have left their respective spouses and are, allegedly, living with each other. On account of said extreme ill will, on the part of both the sides, the incident took place when the two sides came face to face on their respective terraces and blows were exchanged. As per defense version i.e. version of appellants-convicts, complainant Davinder Singh scaled the wall of house of Manjit Singh and caught hold Sukhbir Kaur from behind and tore her clothes, whereas as per Davinder Singh, it was the present appellants-convicts, who were abusing his wife while standing on the roof of their house and throwing brick bats at his wife and, in this regard, Davinder Singh, went on the first floor of his house to confront the appellants-convicts, pursuant to which free fight/scuffle took place, on account of underlying tension and enmity between the

two sides and in the melee both the sides received injuries. The question, as to whether it is the present complainant, who went on the terrace of appellants-convicts or as to whether the appellants-convicts came on the terrace of present complainant, loses significance on account of the fact that as per the complainant, the appellants-convicts were standing on their own terrace and throwing brick bats and stones at the wife of complainant and in the meanwhile, complainant also came there to confront the appellants-convicts. In this process, the possibility of both the sides having gone to the terrace of each other during free fight cannot be ruled out. Yet in the absence of positive version of complainant that the appellants-convicts scaled the wall and 1½-2 ft. grill of his house, the possibility of injuries having been suffered by brick bats blow thrown by appellants-convicts, cannot be ruled out. The observation of learned trial court that offences under Section 324 and 448 IPC are not proved on record, therefore, does not call for an interference nor the finding of learned trial court that confinement of complainant Devinder Singh has not been proved needs to be set aside.

18. No ground is, therefore, made out to interfere in the finding of learned trial court regarding the offences under Section 342, 324, 448 IPC. At the same time, in view of the fact that qua the injury under Section 323 IPC specific attribution has been made, which has been corroborated by medical evidence and has not been controverted in the cross-examination of Davinder Singh, no ground is made out to interfere in the finding of learned trial court for the offence under Section 323, 34 IPC viz-a-viz appellants-convicts.”

13 It is evident from the above that the trial Court as well as the appellate Court have duly considered the arguments advanced on behalf of

the petitioners and have specifically recorded that there were injuries on the person of Davinder Singh and the same were inflicted by Manjit Singh by giving kirpan blow with force. It was noticed that both the parties were related to each other and their relations being strained, there existed a possibility of exaggeration and concoction in the version put forth by both the sides. Hence, the nature of injuries, as well as the nature of allegations leveled did dilute the prosecution case to some extent, however, the same does not obviate the case of the prosecution in its entirety. It was in the said circumstances that even the complainant Davinder Singh and others had been convicted, sentenced and ordered to be released on probation. The criminal revision filed by the petitioners herein for seeking enhancement of the sentence of Davinder Singh and others bearing CRR No.3282-2018 had already been dismissed by this Court vide judgment dated 04.09.2025.

14 Counsel for the petitioners has not been able to refer to any incriminating circumstances on the basis whereof the findings concurrently recorded by both the Courts needs to be interfered with.

15 Consequently, finding no illegality, perversity or impropriety in the judgments passed by both the Courts, the present revision petition is dismissed. The orders passed by the trial Court and appellate Court directing release of the petitioners on probation are upheld.

February 17, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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