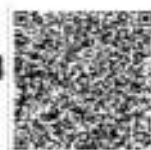


2026:PHHC:072464



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

220

**CRR 923 of 2018**

Date of Decision: 07.05.2026

Sarju

...Petitioner (s)

Vs.

State of Haryana

...Respondent(s)

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

Present : Mr. Kamal Chaudhary, Advocate  
for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has filed the present revision petition against the impugned judgement of conviction dated 11.12.2017 passed by the Court of Sessions Judge, Faridabad, whereby, the judgement of conviction dated 15.01.2016 passed by the Court of Judicial Magistrate 1<sup>st</sup> Class, Faridabad, was upheld, however, the order of sentence dated 18.01.2026 was modified. The petitioner was sentenced to undergo simple imprisonment for six month for the offence under Section 323 IPC. He was also sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.1000/- for the offence under Section 326 IPC.

3. Brief facts of the case of the prosecution are that present case FIR has been registered on the statement of Amit Kumar son of Naimu resident of 1956, Aadiwasi Colony, NIT Fardiabad to the effect that on 07.10.2009 at around 10:00 p.m. his cousin Jaya Bahaduri, who

is married went to house of his brother Kailash son of Badal resident of H. No.V-40 for blessings. Then wife of Kailash namely Ranju has kicked her from behind and she (Jaya Bahaduri) fell down and they both quarrelled. When he tried to intervene, Ranju also abused him. At the same time Sarju son of late Subhash came there alongwith a weapon like sword and gave him a threat to kill and also attacked with the sword on his head from behind. On raising alarm, his father and cousin Sanjay came there but accused Sarju also started giving injuries to them on their head. Shyam real brother of Sarju also came there alongwith hockey and hit him, his father and cousin Sanjay alongwith his brother Sarju. Then on raising alarm his cousin Sunil and other crowd gathered there and rescued them. Sunil also got injured in this quarrel and they all three were got admitted in Escort Hospital, Faridabad by the other person but due to expensive charges of hospital his father and brother Sanjay came home. This incident took place because Jaya Bahaduri has not married as per wish of his brother Kailash and prayed for taking legal action. On the basis of these allegations, the investigation was set into motion. MLR of injured were received, on the basis of which present FIR was registered. Statement of witnesses under section 161 Cr.P.C. recorded. Accused were arrested. After completion of usual formalities of the investigation, *challan* report under Section 173 Cr.P.C. was filed in the Court.

3. After the presentation of *challan*, the petitioner was charge-sheeted for the offences punishable under Sections 323, 324, 326 and 506 IPC, to which, he pleaded not guilty and claimed trial.

4. In order to prove its case, the prosecution examined PW1 Amit Kumar, PW2 Nammu, PW3 Sanjay, PW4 Sunil Kumar, PW5 Dr. Satish Chaku, PW6 Inspector Abdul Shahid, PW7 ASI Devender Kaur and PW8 Dr. Meena Chpora. Thereafter, evidence of the prosecution was closed.

5. After closure of the evidence, the statement of the petitioner was recorded under Section 313 Cr.P.C. and he denied all the incriminating evidence put to him and stated that he has been falsely involved in the present case. No evidence was led in defence.

6. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgement of conviction passed against the petitioner by the trial Court, however, some leniency may be shown while awarding the sentence to him. Even though, learned counsel for the petitioner has not challenged the judgements of conviction, still, this Court has considered the case on merits.

7. Learned State counsel submits that the petitioner does 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, PW1 Amit Kumar and PW2 Nammu did not support the case of the prosecution. PW3 Sanjay injured had fully supported the case of the prosecution. PW4 Sunil Singh also supported the testimony of PW3 Sanjay and explained the manner in which the injuries were caused by the petitioner and other accused. PW5

Dr. Satish Chhaku proved the MLR as Ex. PW5/A and proved the injuries on the person of Sanjay. PW6 Inspector Abdul Shahid had submitted the *challan* in the present case. PW7 ASI Devender Kaur appeared and proved the Medical Ex.PW7/A, statement of complainant Ex.PW1/A, Tehrir Ex.PW7/B, FIR endorsement Ex.PW7/C, site plan Ex.PW7/D, arrest memo Ex.PW7/E and Ex.PW7/F, report Ex.PW7/G and disclosure statement of petitioner Sarju PW7/H, recovery memo of weapon Sword type iron Ex.PW7/J and other weapon Ex.PW7/K. She recognized the petitioner present in the Court. PW8 Dr. Meena Chopra proved the reports Ex.PW8/A and Ex. PW8/B. 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 08.10.2009, i.e., for the last more than 16 years. The sentence imposed on the petitioner was suspended by this Court on 27.03.2018 and in the last more than 07 years, he has maintained good conduct and has not misused the concession of suspension of sentence in any manner. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the petitioner is reduced to the period already undergone by him.

11. With the above modifications, the present revision petition is partly allowed and the impugned judgement of conviction dated

11.12.2017 passed by the Court of Sessions Judge, Faridabad, is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by him. However, the sentence of fine will remain the same.

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

|                           |                 |
|---------------------------|-----------------|
| 07.05.2026                | (N.S.SHEKHAWAT) |
| amit rana                 | JUDGE           |
| Whether reasoned/speaking | : Yes/No        |
| Whether reportable        | : Yes/No        |