



105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-603-SB-2005
Date of Decision:15.05.2026

Major Singh ...Appellant
Vs.
State of Punjab ...Respondent

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

Present: Mr. Vishal Deep Goyal, Advocate
for the appellant.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Mandeep Budhiraja, Advocate
for the complainant (POA filed).

N.S.Shekhawat J.

1. The appellant has filed the present appeal against the impugned judgment of conviction and order of sentence dated 02.02.2005, passed by the Sessions Judge Faridkot, whereby, the appellant was ordered to be convicted for the offences punishable under Sections 452 and 325 of IPC and was sentenced as under:-

Under Section 452 of IPC	R.I for a period of two years and to pay a fine of Rs.300/-, in default of payment of fine, to further undergo RI for a period of three months.
Under Section 325 of IPC	R.I for a period of two years and to pay a fine of Rs.200/-, in default of payment of fine, to further undergo RI for a period of three months.

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2. The facts of the prosecution case in a narrow compass, are that this case has been registered on the basis of statement of Karamjit Kaur complainant



Ex.PB made before the police, wherein, she stated that about 5/6 years back her husband purchased some land from Major Singh accused and raised a workshop over the said land. Major Singh accused is the husband of the sister of her husband. Major Singh is a quarrelsome person and is addicted to liquor. He used liquor to quarrel with the complainant and her family members. On the night of 16.08.2002, accused Major Singh came to their house after taking liquor and started abusing her and her husband. They sent him back after persuading him alongwith her husband and children went to sleep in the courtyard of their house. At about 11.00 P.M., the accused armed with a “Salang” came in the courtyard of their house and again started abusing them. An electric bulb was glowing in the courtyard. When the complainant tried to prevent the accused from abusing them, then he gave a 'Salang' blow on the head from reverse side. The complainant raised alarm “Marditta -Marditta” and on hearing the alarm, her husband Mangal Singh came forward to rescue her, but the accused pushed her, as a result of which she fell down from the stairs and sustain injuries on her left knee, left wrist and little finger of right hand. On raising “raula” by her husband, the accused ran away from the spot alongwith his 'salang'. The husband of the complainant took her to GGS Medical College, Faridkot and got her admitted there. The motive behind the occurrence as alleged by the complainant is that the accused was jealous of the flourishing business of the complainant party and he wanted to oust them therefrom. On receiving information in the police station from the hospital with regard to the admission of Karamjit Kaur complainant, ASI Kuldeep Singh reached G.G.S Medical College/Hospital, Faridkot and moved an application Ex.PE to the doctor for ascertaining the fitness of the injured-complainant to make statement



and the doctor, vide his endorsement Ex.PE/1 declared the injured fit to make statement. Then he recorded the statement of Karamjit Kaur Ex.PB and after making his endorsement on the statement sent the same to the police station on the basis of which FIR Ex.PJ was recorded against the accused under sections 452 & 323 of the Indian Penal Code at Police Station to Sadar, Kotkapura. The Investigating Officer went to the spot and prepared rough site plan Ex.PH with correct marginal notes. He also recorded the statements of the witnesses under Section 161 of the Cr.P.C. On 22.10.2002, the accused was produced in the police station by his brother. He was arrested in this case. The accused also produced his salang i.e. weapon of offence, which was taken into possession, vide recovery memo Ex.P1. After the receipt of the report of the Radiologist, the offences under sections 458 & 326 of the Indian Penal Code were added. After the completion of necessary investigation, challan against the accused was presented in the court of Illaqua Magistrate, who committed the same to this Court, vide his order dated 18.04.2003.

3. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 452 and 325 of IPC was made out against the appellant 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 appellant, the prosecution examined 07 witnesses.

5. After the closure of the prosecution evidence, the statement of appellant was recorded under Section 313 Cr.P.C and all the incriminating evidence was put to him, to which he pleaded that he has been falsely involved in the present case. No defence evidence was led by the accused in his defence.



6. At the very outset, learned counsel appearing on behalf of the appellant submit 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 appellant has not challenged the judgment of conviction, still this Court has considered the case on merits.

7. I have heard the learned counsel for the parties and with their able assistance; I have gone through the trial Court record carefully

8. In the present case, the prosecution examined PW-1 Dr. Simmi Garg, who stated that on 17.08.2002, she had conducted the X-Ray examination of Karamjit Kaur (wrongly mentioned as Paramjit Kaur) and found fracture of distal end of left radius and styloid process of left ulna and fracture of distal part of left femur. She has proved the X-Ray report Ex.PA and X-Ray films Ex.PA/1 to Ex.PA/4. The prosecution further examined PW-2 Karamjit Kaur, complainant, who had fully supported the case of the prosecution. Her statement has been duly corroborated on all material particulars by PW-3 Mangal Singh, her husband. In the present case, the investigation was further proved by PW-7 A.S.I Kuldip Singh, Investigating Officer, who proved the various recoveries made from the accused in the present case.

9. The prosecution further examined PW-4 Chinto Chawla, Clerk, Record Room, G.G.S Medical College, Faridkot, who has produced the bed head ticket of Karamjit Kaur, injured. PW-5 Dr. Baljit Singh, Medical Officer, Surgery Department, G.G.S Medical College, Faridkot, who stated that Karamjit Kaur was recorded in the ward on 17.08.2002 at 01:45 A.M., she was conscious, co-operative and well oriented to time. He stated that he gave



treatment to the patient and wounds on the scalp and knee were stitched under local anaesthesia. Thereafter, the patient was shifted to Ortho ward on 19.8.2002. As per the bed head ticket, the patient was discharged from the hospital on 26.09.2002. He stated that his report is Ex.PC and bed head ticket is Ex.PD. He also deposed that on the police request Ex.PE, he opined vide his endorsement Ex.PE/1 that the injured was fit to make statement.

10. The prosecution further examined PW-6 Dr. Kuldip Goyal, EMO, G.G.S Medical College, Faridkot, who stated that on 17.08.2002, he conducted the medico-legal examination of Karamjit Kaur wife of Mangal Singh and found the following injuries on her person:-

1. *12 inch x 1 inch lacerated wound with fresh bleeding present on left the parental bone and extended upto the middle of forehead and x-ray was advised.*
2. *2 inch x 1/2 inch lacerated wound with fresh bleeding present over left knee and X-Ray was advised.*
3. *Diffused swelling with pain and tenderness present over left writ and X-Ray was advised.*

He stated that the nature of injuries was to be mentioned after the receipt of the x-ray reports. The duration of the injuries was within six hours and the kind of weapon was blunt. He proved the copy of MLR Ex.PF and pictorial diagram showing the seats of injuries Ex.PF/1. He further stated that vide his supplementary report Ex.PG, he declared injuries No.2 and 3 as grievous.

11. Thus, from the prosecution evidence, the offence under Sections 325 and 452 of IPC was clearly made out against the appellant. Even otherwise, I have gone through the judgment passed by the Trial Court and found that there is no illegality, perversity or infirmity in the impugned judgment passed



by the Trial Court and the impugned judgment of conviction is ordered to be upheld.

12. Now, advertent to the order of quantum of sentence in the present case, this Court cannot lose sight of the fact that the F.I.R in the present case was registered on 17.08.2002 and the appellant is facing the agony of trial/appeal for the last about 24 years. As per the Custody Certificate, appellant has already undergone about 15 days of actual custody. Apart from that, the sentence imposed on the appellant was ordered to be suspended by this Court on 29.03.2005 and in the past 21 years he had maintained good conduct. Consequently, the order of sentence is modified to the extent that the sentence imposed on the appellant is reduced to the period already undergone by him in the present case, however, the amount of fine will remain the same.

13. With the above modifications, the present appeal is partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence imposed on the appellant is reduced to the period already undergone by him, however, the amount of fine will remain the same.

14. Pending application(s), if any, stand(s), disposed of, accordingly.

15. Case property, if any, be dealt with, as per rules.

16. The Trial Court record be sent back, if any.

15.05.2026
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(N.S.SHEKHAWAT)
JUDGE

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