



114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRA-S-60-SB-2005
Date of Decision:12.05.2026

Mrigpal Singh and Ors.

...Appellants

Vs.

State of Haryana

...Respondent

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

Present: Mr. Himmat Singh Deol, Advocate
for the appellants.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

Ms. Reema, Advocate for
Mr.Himmat Singh Sidhu, Advocate
for the complainant.

N.S.Shekhawat J.

1. The appellants have filed the present appeal against the impugned judgment of conviction dated 14.12.2004 and order of sentence dated 15.12.2004, passed by the Court of Additional Sessions Judge, Fast Track Court, Ambala, whereby the appellants were ordered to be convicted for the offences punishable under Sections 148,323,324,325,326 r/w Section 149 of IPC and were sentenced accordingly.

2. During the pendency of the present appeal, Mrigpal, appellant No.1, Subhash Chander @ Passi, appellant No.2 and Naresh Kumar, appellant No.6 have expired and the appeal qua them already stands abated.

3. The brief facts of the present case are that on 8.11.2000, ASI Dharam Pal (PW-12) along-with other police officials were present at Bus stand Mullana as usual partrolling in connection with their duty for Gopal Mochan fair. There ASI Dharampal received a medical ruqa along-with the MLRs through ward servant CHC Mullana regarding the admission of the injured in



the hospital. On receipt of the documents, ASI Dharam Pal along-with police officials reached at CHC Mullana and recorded the statement Ex.PK of Lakhbir Singh PW son of Jeet Singh R/o village Saila to the effect that his brother Sharam Singh was elected Sarpanch of the village, that in the said election family of Haveli Ram supported them, for that Ramesh Chander former Sarpanch and his party persons bore the grudge against them and family of Haveli Ram. He further got recorded that Gulshan Kumar etc. took their tractor on the request for sowing the crop of wheat in their fields. In the morning at about 10 a.m. when both, Gulshan and Paramjit were going on tractor and crossed in front of the baithak of Babu Ram, then Babu Ram abused Gulshan for helping Sharam Singh in the elections and stated that he would see his party but Paramjit and Gulshan went quietly from there. Thereafter, Karam Singh his brother and Vipin Kumar son of Haveli Ram also went to the fields to sow the wheat in the fields, that about 5 p.m. all four persons (Gulshan Kumar, Karam Singh, Paramjit and Vipin Kumar) were returning on their tractors. Two of them were sitting on one tractor each, and when they reached near Dharamshala just little ahead baithak of Nathu, the persons namely 1) Des Raj 2) Ramesh sons of Dharam Singh 3) Ashok Kumar 4) Naresh Kumar 5) Ranjit Singh 6) Rajesh sons of Nathu Ram 7) Mrig Pal 8) Amar pal sons of Inder Singh 9) Raja Ram son of Kala 10) Dhayan Singh 11) Prem Singh sons of Jyoti Ram, 12) Babu Ram son of Sohan Lal 13) Subhash son of Babu Ram (accused persons) were already present there, all armed with gandasis and kirpan, made murderous assault on them. They raised alarm that attracted Mukhtiar Singh son of Balwant, Bakshish and Sharam Singh. On seeing them, all the assailants (accused persons) ran away from the spot. The injured were shifted to CHC



Mullana on tractor-trolley. The complainant stated that he watched the incident as he happened to cross the place of incident as he had gone to post office to enquire the money in his account. He also got recorded that the accused persons formed common intention to kill them and thereof caused them the injuries as to assuage their grudge over having lost the election.

4. Initially, the challan was presented only against accused persons namely Mrig Pal, Subhash Chander, Des Raj, Raja Ram, Dhayan Singh, Rajesh Kumar, Naresh Kumar, Amar Pal, and Babu Ram, but four accused namely Ramesh, Ashok Kumar, Ranjit Singh and Prem Singh were also summoned under Section 319 Cr.P.C and were arrayed as an accused.

5. After perusing the challan and other accompanying documents, the Court found that a prima facie case under Sections 148, 323, 324, 325, 326, 307, 149, 120-B of IPC was made out against the appellants and they were charge-sheeted accordingly. However, they pleaded not guilty and claimed to be tried by the Trial Court.

6. In order to prove the charge against the appellants, the prosecution examined 13 witnesses.

7. After the closure of the prosecution evidence, the statement of appellants were recorded under Section 313 Cr.P.C and all the incriminating evidence was put to them, to which they pleaded that they had been falsely involved in the present case. MLRs Ex.D1 & 2 and X-Rays Ex.D2 & 3 were tendered in their defence evidence.

8. At the very outset, learned counsel appearing on behalf of the appellants submit that they does not wish to challenge the impugned judgment of conviction and some leniency may be shown by this Court, while awarding



the sentence to them. Even though, learned counsel for the appellants has not challenged the judgment of conviction, still this Court has considered the case on merits.

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

10. In the present case, the prosecution examined HC Jile Singh as PW-1, in whose presence Gandasi Ex.P1 was recovered from Raja Ram, accused. Dr. Shiv Anand appeared as PW-2 and had medico-legally examined Paramjit and found the following injuries on his person:-

1. Incised wound 3 x 1 cm. skin deep on the right upper eyelid just below the eyebrow with defused swelling & fresh bleeding present from the wound.

2. Reddish contusion with defused swelling all over the right side of face was present & was advised for the X-ray of skull.

3. Incised wound on the left side of parietal region of scalp of size 4 x 1 cm. scalp deep fresh bleeding was present. Advised X-ray skull AP & lateral view.

4. Clotted blood present in the right nostril.

11. He stated that he sent the patient for ENT surgeon opinion & referred it to Civil Hospital, Ambala City for X-ray & further management. He further stated that duration of injury having received was within 6 hours from his examination and opined Injury no. 1 & 3 were caused with sharp edged weapon & injury no. 2 & 4 with blunt weapon and examination of right eye due to defuse swelling could not be conducted and found that respiration rate at 16/pm and also had the history of vomiting. He proved MLR Ex. PB.

12. He also proved the MLR Ex.PC of Vipin Kumar and stated that he found following injuries on his person:



1. Incised wound 7 x ½ cm. skin deep on the anterior surface of left side of chest and was complaining of pain in left side of the chest. Local tenderness was present. X-ray was advised.

2. Incised wound 4 x 2 cm. bone deep on the left side of parieto-occipital region with fresh bleeding was present and referred for Surgeons opinion & also advised X-ray.

13. He also stated that both injuries were caused with sharp edged weapon. He also stated that on the same very day, he medico-legally examined Karam Singh and found following injuries on his person and proved the MLR Ex.PD.

1. Incised wound of size 2.5 x 1 cm. x scalp deep on the left parietal region with fresh bleeding and advised the X-ray of scalp.

2. Lacerated wound 1.5 x 1 cm. scalp deep with fresh bleeding on the right parietal region.

3. Lacerated wound 1 x 1 cm. scalp deep on the occipital region, scalp deep on the left side. Fresh bleeding was present.

4. Incised wound 2 x 1 cm. skin deep on the forehead just above the middle side of right eyebrow. Fresh bleeding was present.

5. Incised wound 5 x 2 cm. on the dorsum of right hand. Tendons were cut and were protruding through the wound & was unable to extend the hand. Fresh bleeding was present. X-ray and ortho surgeon opinion was advised.

6. Reddish contusion mark on the fore-arm right with defused swelling with local tenderness was present. X-ray of forearm was advised.

7. Reddish abrasion on the left side of knee joint of size 3 x 2 cm. No boney deformity & restriction of movement was found.

14. He stated that injuries no. 1, 4 & 5 were caused by sharp edged



weapon. Injuries no. 1,2,3,6 & 7 were caused by blunt weapon. He also stated that on the same day, he medico-legally examined Gulshan Kumar son of Haveli Ram and found following injuries on his person and proved his MLR Ex.PE.

1. *Incised wound 6 x 2 cm x bone deep on the right side of skull on the right fronto parietal region with fresh bleeding & X-ray was advised.*
2. *Incised wound 8 x 3 cm. bone deep on the left occipital region. Fresh bleeding was present. X-ray of skull was advised.*
3. *Incised wound 6 x 2 cm. bone deep on the left parietal region & fresh bleeding was present. X-ray was of skull was advised.*
4. *Incised wound 4 x 2 cm. on the left parietal region scalp deep & fresh bleeding was present. X-ray of skull was advised.*
5. *Incised wound 2.5cm .x 1 cm skin deep on the left fore-arm on the posterior medial aspect.*
6. *Reddish abrasion with defused swelling on the dorsum of left hand on the thinner eminence & was advised X-ray for left hand.*
7. *Reddish abrasion on the left arm in its upper 1/3rd of size 10 x 0.5 cm. with no bony deformity.*
8. *Reddish contusion on the right shoulder joint.*
9. *Incised wound 7 x 1 cm. skin deep on the back of trunk left side.*
10. *Reddish abrasion on the left ankle joint with no restriction of movement & deformity.*
11. *Complaint of pain in right ankle.*

15. He also gave his opinion Ex.PG and stated that injuries on the person of Pritam Singh, Paramjit, Vipin, Karam Singh and Gulshan could be possible with Gandasi or sword and proved his opinion Ex.PH-1 and stated that the possibility of injuries on the person of PWs being dangerous to life could not be ruled out. He also medico-legally examined Des Raj, accused and found



the following injuries on his person:-

- 1. Lacerated wound 4 x ½ cm. x skin deep on the right side of skull on the posterior surface of parietal region & was freshly bleeding, margin were contused, advised the X-ray of skull.*
- 2. Contusion mark 4 x 2 cm. on the posterior medial surface of right fore-arm.*
- 3. Contusion mark 4 x 2 cm. on the dorsal surface of right hand at the base of little finger, & advised for X-ray of right hand.*
- 4. Contusion mark 2 x 1 cm. on the dorsal surface of left ring finger in distal part, & advised X-ray of left hand.*

16. He also stated that the probable duration of injury having been caused from the time of examination was within 6 to 12 hours. He stated that kind of weapons used for causing injuries was blunt weapon and proved the copy of MLR accused Des Raj Ex.D1 by stating that it is correct copy of the original. He also stated that on the same day, he medico-legally examined Babu Ram son of Sohan Lal (accused) and found following injuries on his person:

- 1. Incised wound 6 x 1½ cm. scalp deep on the right side of skull in its middle, 2 cm. away from the mid land of skull, wound was freshly bleeding, advised for X-ray of skull.*
- 2. Incised wound 8 x 1½ cm. scalp deep on the occipital parietal region lying obliquely, with clean cut margins & advised X-ray of skull.*
- 3. Reddish contusion mark 6 x 2 cm. on the middle surface of left fore-arm, movements of left fore-arm were painful & restricted, advised x-ray left fore-arm.*

17. He also stated that probable duration of having received the injuries was 6 to 12 hours from the examination and injury no. 1 & 2 was caused by sharp edged weapon and injury no. 3 was caused by blunt weapon.

He also proved the MLR of Babu Ram Ex.D2.



18. Gurdial Singh, retired S.I appeared as PW-3 and proved report under Section 173 Cr.P.C. Constable Ram Karan Draftsman, S.P office appeared as PW-4 and proved the site plan Ex.PJ of the place of occurrence. Lakhbir Singh, complainant appeared as PW-5 and had supported the entire prosecution case. Dr.S.S Punia, Sr. Medical Officer appeared as PW-7. He stated that on 9.11.2000, he radio logically examined Gulshan son of Haveli Ram and found fracture of fifth metacarpal bone of the left hand. He proved X-ray films Ex.P2 to Ex.P4 and the report Ex.PL. He also stated that he radio logically examined Vipin Kumar and found no fracture on his person. He proved his report Ex.PM and X-ray films Ex.P5 to Ex.P8.27. He also stated that he radio logically examined Karam Singh and found fracture of the base of fourth metacarpal bone of the right hand. He proved his report Ex.PN and X-ray films Ex.P9 to Ex.P12. He also stated that he radio logically examined Paramjit Singh 28. and found no fracture on the skull bone and nasal bone and found fracture of right zygomatic bone. He proved his report Ex.PO and X-ray films Ex.P13 to Ex.P16. He stated that he handed over the report and X-rays to the police on their application Ex.PQ. He further stated that he radio logically examined accused Des Raj son of Hari Singh and found having fracture of terminal phalanx of left ring finger and proved his report Ex.D3. He stated that Babu Ram (accused) was found having no fracture on his person and proved his report Ex.D4.

19. Dharam Pal ASI appeared as PW12, who proved the investigation and recoveries in the present case. Dr. Rajesh Chhabra Asstt. Professor, Deptt. of Neurosurgery, PGI, Chandigarh appeared as PW13. He proved the medico-legal case summary Ex. PNN of injured Karam Singh and also tendered on



record the bed-head ticket of the Govt. Hospital, Ambala Ex.PMM. He stated that the injured Karam Singh was admitted in emergency services of PGI on 9.11.2000. He was conscious and was having cut wound left parietal occipital region and forehead. He was cleared from neurosurgery on 9.11.2000 and was handed over to the plastic surgeon for further treatment. He stated that as per the medico-legal case summary Ex.PNN the nature of the injury was declared simple on the person of Karam Singh.

20. From the statements of aforesaid prosecution witnesses, it was apparent that the participation of the appellants in the crime amply stood proved and the prosecution was successful in proving that the appellants had caused simple and grievous injuries to the prosecution witnesses, in pursuance of their common object and were duly armed with deadly weapons. Thus, the appellants have been rightly convicted by the Trial Court.

21. Even otherwise, I have gone through the judgment passed by the Trial Court and find 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.

22. Now, adverting to the order of quantum of sentence in the present case, this Court cannot lost sight of the fact that the FIR in the present case was registered on 08.11.2000 and the appellants are facing the agony of trial/appeal for the last more than 25 years. Even, the appellants were never involved in any other crime and are the first offenders. Apart from that, the sentence imposed on the appellants were ordered to be suspended by this Court on 07.01.2005 and in the past 20 years, they had maintained good conduct. Consequently, the order of sentence is modified to the extent that the sentence imposed on the appellants



are reduced to the period already undergone by them in the present case. However, the amount of fine imposed on them is enhanced to Rs.25,000/-each as compensation which shall be deposited by them with the concerned Chief Judicial Magistrate within a period of two months from the date of receipt of certified copy of this order.

23. The total amount of fine of Rs.2,00,000/-, which may be recovered from eight appellants, shall be paid to the four injured namely Paramjit, Vipin Kumar, Karam Singh and Gulshan Kumar in equal share i.e. Rs.50,000/- by the concerned Chief Judicial Magistrate as compensation against proper receipt and identification.

24. With the above modifications, the present appeal is partly allowed and the impugned judgment of conviction is upheld, whereas, the sentence imposed on the appellants are reduced to the period already undergone by them and the amount of fine imposed on them is enhanced to Rs.25,000/- each which shall be deposited by them with the concerned Chief Judicial Magistrate within a period of two months from the date of receipt of certified copy of this order.

25. In case, the enhanced total amount of fine Rs.2,00,000/- is not deposited by them as ordered, the present appeal shall be deemed to be dismissed.

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

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

(N.S.SHEKHAWAT)
JUDGE

12.05.2026
hitesh

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