

2026.PHHC:073268



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

225(2)

CRA S-822-SB-2006

Date of Decision: 06.05.2026

Sajjan Singh and others

...Petitioner (s)

Vs.

The State of Haryana

...Respondents(s)

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

Present : Mr. Vinod Ghai, Sr. Advocate with
Mr. Kashish Sahni, Advocate and
Mr. Arnav Ghai, Advocate for appellant No.1 and 4.

Appeal qua appellants No.2, 5 and 6
stand abated vide order dated 24.03.2026.

Mr. Aman Pal, Sr. Advocate with
Ms. Digantila Rao, Advocate
for appellant No.3.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

Mr. Bhag Singh, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The appellants have filed the present appeal against the impugned judgement of conviction dated 17.04.2006 and order of sentence dated 19.04.2006 passed by the Court of Additional Sessions Judge, Kaithal, whereby, all the appellants were held guilty for the commission of offence under Sections 148 and 307 read with Section 149 IPC. Appellant No.1 Sajjan Singh was also held guilty for the commission of the offence punishable under Section 25 of the Arms Act. The appellants were sentenced to undergo rigorous imprisonment for a

period of one year and to pay fine of Rs. 1000/-each for the commission of offence punishable under Section 148 IPC and in default of payment of fine, they shall further undergo rigorous imprisonment for a period of two months. The appellants were also ordered to undergo rigorous imprisonment for a period of five years and to pay fine of Rs.5000/- each for the commission of offence punishable under Section 307 I.P.C. and in default of payment of fine, they shall further undergo rigorous imprisonment for a period of six months. However, appellant Sajjan Singh is sentenced to undergo rigorous imprisonment for a period of three years and to pay fine of Rs. 5000/- for the commission of offence punishable under Section 25 of the Arms Act and in default of payment of fine, he shall further undergo rigorous imprisonment for a period of six months.

2. During the pendency of the present appeal, Rishi Pal alias Rishi, appellant No. 2, Jeet Singh, appellant No. 5, and Ram Chandar, appellant No. 6, have expired and appeal qua them already stands abated.

3. The FIR in the present case was registered on the basis of the statement made by Gaje Singh son of Sheo Ram, injured, after he was declared fit to make statement by the doctor, and he submitted that he was agriculturalist declared both the injuries on account of fire arms and after obtaining the permission from the doctor, the police party recorded the statements of injured, who reported that he was agriculturist and on 19.02.1999, at about 08.00 a.m., he along with his son had gone to the office of D.D.P.O. Kaithal on a motor-cycle and

when they met Dhoop Singh Kanungo for obtaining the copy of Rapat Roznmacha, then he told them that the copy of Rapat Roznamcha can be obtained from the office of S.D.M. And, thereafter, Gaje Singh injured gave an application to S.D.M. Kaithal, as Gaje Singh wanted to purchase a tractor. Thereafter, when the complainant and his son Ram Pal at about 02.30 p.m. reached Sawaraj Tractor Agency Jind Road Kaithal, then he saw that elder son of Abhey Ram, son of Maniya, son of Sandal and Ram Chander, Sajjan sons of Sardara, Ram Chander son of Kanhuya, Jit Singh son of Baisakhi Singh, who was armed with *Kirpan* were standing there and when he stopped his motor-cycle and tried to take out papers from the 'Dicky' of said motor-cycle then Ram Chander son of Sardara gave a '*Lalkara*' to teach a lesson on account of land dispute and thereafter, Sajjan Singh son of Sardara fired a gun-shot, which hit in the left side of his stomach and left side of his back, due to which, he fell down and he and his son Ram Pal had seen all the accused running and when they tried to catch hold of him, but the accused succeeded in escaping and thereafter, his son Ram Pal and other persons took him to Civil Hospital Kaithal. He has reported that the afore stated persons were in illegal possession over the *panchayat* land and on account of said grudge, all the accused with intention to kill him, had attacked him. During the course of investigation, Sajjan Singh got recovered a pistol along with one live cartridge pursuant to his disclosure statement, whereas Jeet Singh got recovered a *kirpan* in pursuance of his disclosure statement. The bloodstained earth in a sealed parcel was deposited in *Malkhana* and all the accused were arrested by the police. Even injuries

No. 1 and 2 suffered by Gaje Singh were declared to be dangerous to life and after completion of necessary investigation, *challan* was presented before the Court of Area Magistrate. However, the offences were triable by the court of Sessions and *challan* was forwarded to the Sessions Court for trial.

4. During the course of trial, the trial Court found that a *prima facie* case under Sections 120-B, 148 and 302/149 IPC was made out and the charge was accordingly framed. However, the appellants pleaded not guilty and claimed trial.

5. During the course of trial, the prosecution relied upon 18 witnesses, i.e., Dr. B.B. Kakkar, Medical Officer as PW1, Sh. L.S. Yadav Senior Scientific Officer as PW2, Inspector Rameshwar Kumar as PW3, Sh. Subhash Chander Reader to D.M. Kaithal as PW4, Ram Niwas draftsman as PW5, Suresh Chand Sub Inspector as PW6, Gaje Singh Lamberdar a PW7, Ram Pal son of Gaje Singh as PW8, Satpal Verma, Copy Assistant D.C. Officer, Kaithal as PW9, Sh. Harinder Singh Clerk SDM Guhla as PW10, Raj Kumar MHC as PW11, Brij Mohan Sub Inspector as PW12, Shamsher Singh son of Gaje Singh as PW13, Balbir Singh ASI as PW14, Head Constable Bilasa Ram as PW15, Tirolok Nath as PW16, ASI Stpal Singh as PW17 and Dr. Pawanindra Lal as PW18. The prosecution has also tendered in evidence report of FSL Ex.PJ.

6. In their statement under Section 313 Cr.P.C., the accused denied all the allegations levelled against them and pleaded that they had been falsely involved. They further stated that complainant Gaje Singh

was being prosecuted in a case under Section 420 IPC on the complaint of Khazani Devi and in another case under Section 436 IPC at the instance of Ratna Ram son of Phula Ram resident of Nauch under Section 326 IPC etc. along with his sons at the complaint of Sadhu Ram resident of Nauch and under Section 420 IPC at the instance of Ram Kumar of village Nauch and his son Dharam Pal was prosecuted under Section 376 I.P.C. at the instance of Inder Singh of village Nauch. They have pleaded that Gaje Singh had many other enemies also besides the above mentioned persons, but had launched the prosecution against the accused with the help of the police.

7. At the very outset, learned senior counsel for the appellants No.1 and 4 and learned counsel for appellant No.3 submit that he does not wish to challenge the judgement of conviction passed against the appellants by the trial Court, however, some leniency may be shown while awarding the sentence on them. Even though, learned counsel for the appellants has not challenged the judgements of convictions, still, this Court has considered the case on merits.

8. Learned State counsel submits that the appellants do not deserve the concession regarding sentence and the present appeal be dismissed.

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

10. In the present case, the Constitution examining PW1 Dr. B.B. Kakkar, Medical Officer, who had conducted the medico-legal

examination of Gaje Singh, injured and found the following injuries on his person:-

“1. There was penetrating wound (oval shape) 2 cm x 1.5 cm on the back of the lumber area in the centre area. Margins were inverted. Corresponding whole present on the white west, white Sweater, White Baniyan, White Shirt, Fresh bleeding was present. Advised X-ray. Query: Fire arm.

2. There was an penetrating wound with irregular margins 1 cm x .5 cm present on the left lower part of the chest. Margins were inverted. Fresh bleeding was present. Corresponding cut was present on the white shirt and vest. Advised X-ray and Surgeon's opinion”.

He has stated that he sent *rukka* Ex.PC regarding admission of injured to S.H.O. P.S. City, Kaithal on the same day and application Ex.PD was moved upon which, he gave the opinion Ex.PD vide which, the injured was declared fit to make statement. On 23.02.1999, the police moved an application Ex.PE, upon which, he gave opinion Ex.PE vide which, injuries No. 1 and 2 were declared as dangerous to life and he referred the patient to Medical College Sector-32, Chandigarh. He proved the MLR as Ex. BA and diagram as Ex. PB. He further submitted that injury No.1 was entry wound and the injury No.2 was also entry wound and there was no exit wound of injury No.2.

11. The prosecution further examined PW2 L.S. Yadav, Senior Scientific Officer Ballistic, FSL Madhuban, who proved his ballistic report Ex. P1, which was examined by him, and he also examined bullet as Ex. P2. He also identified the clothes Ex. P-3 to Ex. P6, which were examined by him. PW3 Inspector Rameshwar Kumar forwarded the

final report under Section 173 Cr.P.C. PW4 Subhash Chander reader to DM, Kaithal testified that sanction order Ex. PG signed by the DM. PW5 Ram Niwas, Draftsman, proved the scaled site plan Ex. PH. PW6 Sub-Inspector Suresh Chander both prepared the scale site plan. He added Section 307 IPC in the present case. After seeking medical opinion, the prosecution produced Gaje Singh, Lambardar, as PW7 injured/complainant in the present case, who supported the case of the prosecution. PW8 Ram Pal supported the testimony of PW7 Gaje Singh in the present case. Satpal Verma PW9 stated that the warrant of possession was entered at serial No. 2261 dated 19.02.1999. Harinder Singh, Clerk of SDM Office Guhla, appeared as PW10, who proved the photocopy of handing over the possession of Gram Panchayat land in a case titled as ***“Gram Panchayat versus Abhey Ram”*** as Ex. PM. PW11 Head Constable Raj Kumar tendered his affidavit Ex. PN. Brij Mohan, Sub-Inspector, appeared as PW12, who had recorded the formal FIR in the present case. Shamsher Singh was examined as PW12, who was associated during the investigation and was a witness of recovery and all various incriminating evidence. Bhamsher Singh appeared as PW13, who was also part of the investigation in the present case. PW14 Balbir Singh, ASI, investigated the present case partly and had prepared the recovery memo Ex. PT and Ex. P-3 to P-5. HC Bilas Ram appeared as PW15, who was also part of the investigation. PW16 Trilok Nath file restorer Medical Government College, Sector 32, Chandigarh, brought the summoned record and produced the same before the trial Court. PW17 ASI Satpal Singh proved the investigation conducted by him.

PW18 Dr.Pawanindra Pal Associate Professor of Surgery Molana Azad, Medical College, Hospital Delhi as PW18, who was posted as Senior Lecturer at Govt. Medical College Hospital Chandigarh on 27.02.1999. He has stated that on 20.02.1999, he and Dr. Rajesh had operated upon Gaje Singh for abdomen bullet injury as an emergency operation and has stated that there was approximately one liter of blood inside the abdomen with through and through injury of left kidney with multiple holes in the large bowel. He has stated that the bleeding was controlled and left kidney was removed and perforated bowel was removed in order to save the life. He has stated that the patient recovered on account of operation and was discharged on 27.02.1999. He has stated that the injury was grievous in nature. He has testified the medico legal case summary as Ex.PAA and treatment file as Ex.PBB. From the above referred prosecution evidence, it amply stood proved that all the appellants had formed an unlawful assembly and in pursuance of their common object to teach a lesson to Gaje Singh, Sajjan Singh had fired a gunshot on the left side of Gaje Singh and Gaje Singh had suffered grievous injury and his left kidney had to be removed along with perforated portion of large intestine. Still further, there was a motive to cause injury to Gaje Singh as he got panchayat land vacated from the accused in the present case and by the prosecution evidence, the involvement of all the appellants stood proved on record. 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 conviction is ordered to be upheld.

12. 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 19.02.1999, i.e., for the last more 27 years and the sentence was suspended in the year 2007 and for last 19 years, the appellants No. 1, 3 and 4 have maintained good conduct. Further, the appellant No.1 Sajjan Singh has undergone 1 year and 6 months; appellant No.3 Ramesh Kumar @ Mesha has undergone 6 months and 8 days and appellant No.4 Satpal @ Satta has undergone 8 months and 13 days out of the substantive sentence of 5 years. Consequently, keeping in view the aforesaid mitigating circumstances, the sentence imposed on the appellants No. 1, 3 and 4 is reduced to the period already undergone by them.

13. With the above modifications, the present revision petition is partly allowed and the impugned judgement of conviction dated 17.04.2006 and order of sentence dated 19.04.2006 passed by the Court of Additional Sessions Judge, Kaithal, is upheld, whereas, the sentence imposed on the appellants No. 1, 3 and 4 is reduced to the period already undergone by them. The amount of fine in the present case is enhanced to Rs.1,00,000/- each, which shall be deposited by appellants No. 1, 3 and 4 as compensation with the Court of concerned Chief Judicial Magistrate, within a period of two months from today. The amount of fine/compensation shall be paid by the Chief Judicial Magistrate to Gaje Singh, injured, in the present case, after proper verification and against

receipt. In case the appellants No. 1, 3 and 4 fails to deposit the amount of fine within a period of two months from today, the present appeal shall stand dismissed automatically.

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

06.05.2026	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No