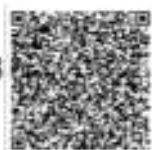


2026:PHHC:068938



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

208

CRR 5078 of 2018

Date of Decision: 04.05.2026

Jagraj Singh @ Jugraj Singh

...Petitioner (s)

Vs.

Dharaminder Singh and others

...Respondent(s)

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

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The present revision petition is directed against the judgment dated 16.10.2018 passed by the learned Additional Sessions Judge, Bathinda, whereby, while modifying the judgment of conviction and order of sentence dated 01.11.2017 passed by the learned Judicial Magistrate First Class, Bathinda, respondent No.2 Pal Singh was acquitted of the charge under Section 325 IPC, and respondent No.1 Dharminder Singh and respondent No.2 Pal Singh were acquitted of the charge under Section 34 IPC. However, the conviction of respondent No.2 Pal Singh under Section 323 IPC and that of respondent No.1 Dharminder Singh under Section 325 IPC was maintained. The Appellate Court further reduced the sentence of respondent No.1 Dharminder Singh from rigorous imprisonment of three years to one year and granted the benefit of probation to respondent No.2 Pal Singh.

2. Brief facts of the prosecution case are that the FIR has been registered on the statement of Jugraj Singh son of Baldev Singh resident of Ward No.2, Nathana. In substance the allegations are that one medical *ruka* was received from Civil Hospital, Nathana regarding admission of Jugraj Singh son of Baldev Singh resident of Nathana due to injuries. On this Inspector Jugraj Singh alongwith police party reached at Civil Hospital, Bathinda where they came to know that Jugraj Singh was referred to some other hospital. On 26.04.2015 Inspector Jugraj Singh alongwith C. Pankaj Kumar No.1479 reached at Civil Hospital, Bathinda where application regarding recording statement of patient was moved. Then ASI Jugraj Singh recorded statement of Jugraj Singh son of Baldev Singh resident of Nathana to the effect that he is resident of abovesaid address and he is doing agriculture work. On 24.04.2015 he alongwith his son Gurpreet Singh were present in their fields known as *Rohi Wale Khet* and was waiting for combine. At about 11:00 a.m. Dharminder Singh son of Pal Singh and Pal Singh son of Veer Singh resident of Nathana, who are their neighbourer and their fields are adjoining to their fields, came there. Dharminder Singh armed with iron rod and Pal Singh was having a brick bat. Pal Singh gave a brick bat blow towards him which hit on his left shoulder. Dharminder Singh gave a rod blow towards him which hit on his head. He raised his left hand to save himself which hit on his little finger and ring finger. He raised alarm "*Marta Marta*". On raising alarm his son came at the spot and saved him from the clutches of accused. Accused fled away from the spot alongwith their respective weapons on a motorcycle. At that time

they were giving *lalkaras*. The motive behind the occurrence was that they have registered a case under Section 326 IPC against the accused and they are pressurizing them to compromise the matter.

3. After recording statement of complainant Inspector Jugraj Singh sent *ruqa* for registration of F.I.R to the police station and on the basis of which instant FIR was registered and, thereafter, Investigating Officer visited the spot and prepared rough site plan of the place of occurrence and recorded the statements of witnesses during investigation.

4. After the presentation of *challan*, the respondents No. 1 and 2 were charge-sheeted for the offences punishable under Sections 325, 323 read with Section 34 of IPC, to which, they pleaded not guilty and claimed trial.

5. In order to prove its case, the prosecution examined PW1 Gurpreet Singh, PW2 Jugraj Singh complainant, PW3 Dr. Vishw Kaushal, PW5 Dr. Gurmail Singh, Medical Officer, PW6 HC Narinderpal Singh, PW7 C. Prabhjinder Singh and PW8 Retired Inspector Jugraj Singh. Thereafter, evidence of the prosecution was closed.

6. After closure of the evidence, the statements of the respondents No.1 and 2 were recorded under Section 313 Cr.P.C. and they denied all the incriminating evidence put to them and stated that they have been falsely involved in the present case. No evidence was led in defence.

7. In the present case, the main grouse of the learned counsel for the petitioner is that the respondent No. 2 has been wrongly ordered to be released on probation, being first offender. Rather, the petitioner has faced the agony of trial and was also beaten up by the private respondents. Thus, the sentence imposed on them is liable to be enhanced by this Court.

8. On the other hand, learned State counsel has contended that the appellate Court has passed a well-reasoned judgment and has rightly appreciated the entire evidence brought on record in its correct perspective and the revision is liable to be dismissed.

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

10. In the present case, while fixing the quantum of punishment, the appellate Court had correctly observed that only injury which attracted the offence under Section 325 IPC was on the non-vital part of the body and there was no repetition of blows by the respondents No. 1 and 2. Thus, taking a lenient view, the appellate Court had reduced the substantive punishment and the sentence was reduced to one year under Section 325 IPC whereas respondent No.2 Pal Singh, who was a senior citizen, was ordered to be released on probation. Even I find no grounds to interfere with the same. In fact, the appellate Court has taken into consideration the age and other factors and the sentence imposed on the respondents No. 1 and 2 has been adequately awarded.

11. Thus, finding no merit in the petition, the petition is ordered to be dismissed.

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

04.05.2026		(N.S.SHEKHAWAT)
amit rana		JUDGE
	Whether reasoned/speaking	: Yes/No
	Whether reportable	: Yes/No