



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

**Reserved on: April 21, 2025**

**Pronounced on: April 28, 2025**

**i. CRA-S-1881-SB-2003 (O&M)**

**Amrik Singh and others . . . . Appellants**

**Vs.**

**State of Punjab . . . . Respondent**

**\* \* \* \***

**ii. CRR-35-2004**

**Amrik Singh . . . . Petitioner**

**Vs.**

**Lakhwinder Kaur and others . . . . Respondents**

**\* \* \* \***

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. K.S. Dhaliwal, Advocate  
for the appellants in CRA-S-1881-SB-2003; and  
for the petitioner in CRR-35-2004.

Mr. Rajeev K. Thakkar, DAG, Punjab.

Mr. Vipin Mahajan, Advocate  
for the complainant CRA-S-1881-SB-2003; and  
for respondent Nos.1, 2, 5 to 8 in CRR-35-2004.

**DEEPAK GUPTA, J.**

Six accused, namely, Amrik Singh, Gurmit Singh, Sahib Singh, Dalbir Kaur, Bakshish Singh and Jhirmil Singh faced trial in the Court of learned Addl. Session Judge (Ad hoc) Fast Tract Court, Gurdaspur in a case arising out of FIR No.34 dated 07.04.1998, registered at Police Station Fatehgarh Churian, District Gurdaspur, under Sections 326, 325, 323, 324/34 IPC.

2.1 Vide judgment dated 16.09.2003, though two of them, namely, Jhirmil Singh and Bakshish Singh were acquitted by giving them the benefit of doubt, but other four were convicted. Conviction of accused - Amrik Singh and Gurmit Singh was recorded under Sections 324, 325/34 and 326/34 IPC. Accused – Sahib Singh was convicted under Sections 324, 325 and 326 IPC; whereas Dalbir Kaur was convicted under Sections 324 & 326 IPC besides Section 325/34 IPC.

2.2 Vide a separate order of the even date, i.e., 16.09.2003, the four convicts were sentenced as under:-

Sr. No.	Offence (u/s)	Imprisonment (R.I.)	Fine	Imprisonment in default of payment of fine
<b>• Amrik Singh</b>				
1.	324 IPC	01 year	--	--
2.	326/34 IPC	02 years	₹300/-	R.I. for 01 month
3.	325/34 IPC	02 years	₹200/-	R.I. for 15 days
<b>• Gurmit Singh</b>				
1.	324 IPC	01 year	--	--
2.	326/34 IPC	02 years	₹300/-	R.I. for 01 month
3.	325/34 IPC	01 year	₹200/-	R.I. for 15 days
<b>• Dalbir Kaur</b>				
1.	324 IPC	01 year	--	--
2.	326 IPC	03 years	₹300/-	R.I. for 01 month
3.	325/34 IPC	01 year	₹200/-	R.I. for 15 days
<b>• Sahib Singh</b>				
1.	324 IPC	01 year	--	--
2.	326 IPC	03 years	₹300/-	R.I. for 01 month
3.	325 IPC	02 years	₹200/-	R.I. for 15 days

All the substantive sentences were directed to run concurrently.

3. Against the aforesaid conviction and sentence, the four convicts filed the present appeal, which was admitted by this court on 13.10.2003.

4. During pendency of this appeal, one of the appellant-convict, Amrik Singh has since expired on 25.04.2023, as per the copy of death certificate placed on record. As such, the present appeal qua appellant - Amrik Singh, stands abated.

5.1 As per the case of the prosecution, on 07.04.1998, an intimation was received at Police Station Fatehgarh Churian from Police Station City Batala regarding the admission of injured persons in the hospital. ASI Kashmir Singh, along with a police party, went to Police Station City Batala and collected the Medico-Legal Reports (MLRs) of the injured, namely Dalip Singh, Balwinder Kaur, Balbir Singh, Kanso, and Lakhwinder Kaur — all residents of Village Kala Afgana. On the request made by the investigating officer to the doctor for fitness certification of the injured to enable recording of their statements, the doctor opined that they were unfit to do so at that time. Subsequently, ASI Kashmir Singh visited Guru Nanak Dev Hospital, Amritsar, and the place of occurrence at Village Kala Afgana, in connection with the investigation of FIR No. 34 dated 07.04.1998 under Sections 324, 323, 148, and 149 IPC registered at Police Station Fatehgarh Churian.

5.2 On 08.04.1998, after obtaining the necessary fitness certificate from the Civil Hospital Batala, ASI Kashmir Singh recorded the statement of injured Balbir Singh, who disclosed that he is an agriculturist by occupation and a resident of Village Kala Afgana. His father, Gian Singh, has four brothers, out of whom Waryam Singh (eldest) had passed away, while Harnam Singh and Maan Singh were unmarried. The family holds a joint khewat of agricultural land, which is primarily cultivated by Gian Singh and Dalip Singh. Out of this joint holding, 15 kanals of land had been sold in 1996 by Maan Singh to Amrik Singh (*accused*) son of Mehnga Singh, also a resident of the same village. A civil suit pertaining to the said land was pending before the competent court. According to Balbir Singh, although the land was in

possession of his family and they had sown wheat on it, Amrik Singh and his associates attempted to forcibly take possession of the same.

5.3 It was further stated by Balbir Singh that on 06.04.1998 at about 6 or 7 p.m., Amrik Singh (armed with a '*datar*'), Sahib Singh (carrying a '*chhavi*'), Gurmit Singh, Jhirmil Singh (both armed with '*chhavis*'), Bakhshish Singh (carrying a '*dang*'), and Dalbir Kaur (holding a bottle containing acid) entered the disputed 15 kanals of land while abusing the complainant party. Bakhshish Singh exhorted the others to teach a lesson to the complainants for restraining them from cultivating the land. He (Balbir Singh) along with his mother Lakhwinder Kaur, maternal grandmother Kanso, uncle Dalip Singh, and others, requested the accused to refrain from taking any action until the civil dispute was adjudicated. However, the accused did not relent.

5.4 Balbir Singh stated further that Sahib Singh struck Lakhwinder Kaur on the head with a '*chhavi*'. When he (Balbir Singh) intervened to save his mother, Sahib Singh inflicted three blows with the reverse side of the weapon on his hand and arm. Jhirmil Singh assaulted Kanso with four reverse-side '*chhavi*' blows, causing injuries to her head, shoulder, and arm. Amrik Singh then attacked Dalip Singh with a '*datar*' on the left side of his head, followed by Gurmit Singh and Jhirmil Singh delivering further blows with the reverse of their weapons. Further, Sahib Singh delivered a blow to Dalip Singh's right leg. Dalbir Kaur then threw acid on Balwinder Kaur, causing burns on her face, jaw, arms, chest, abdomen, and back. While Balwinder Kaur was lying injured, Amrik Singh struck her with a '*datar*' on the neck and back. Gurmit Singh then delivered a further blow on her hand.

5.5 The commotion raised by the complainant party attracted Nishan Singh and Satnam Singh, both residents of the same village, who intervened. During the rescue attempt, Nishan Singh sustained a fractured clavicle. Thereafter, the accused persons fled the scene, continuing to hurl abuses.

5.6 The motive for the attack, as disclosed by Balbir Singh, was the

disputed ownership and possession of 15 kanals of land sold by his uncle to Amrik Singh, which was under litigation. The injured were taken to Civil Hospital Batala for medical treatment. Balbir Singh also handed over the burnt shirt of his sister Balwinder Kaur to the investigating officer. His statement was recorded, read over, and admitted to be correct by him and was attested by ASI Kashmir Singh.

5.7 It was found by the IO that a criminal case arising out of the same occurrence was already registered vide FIR No. 34 dated 07.04.1998 under Sections 324, 323, 148, and 149 IPC at Police Station Fatehgarh Churian, based on the statement of the opposite party. Consequently, the law was set in motion. A Daily Diary Report (DDR) was recorded at the same police station on the statement of Balbir Singh. A.S.I. Kashmir Singh, In-charge of Police Post Kala Afgana, visited the scene, prepared the rough site plan, recorded statements of witnesses, and collected the medico-legal reports of the injured. The accused were arrested, and upon completion of the investigation, the challan was filed to prosecute the accused under Sections 326, 325, 324, 323, and 34 IPC. A counter-challan in the cross case was also submitted against the complainant party of the present case.

6. To substantiate the charges, the prosecution examined ten witnesses, including Balbir Singh (PW-1), Dalip Singh (PW-2), Balwinder Kaur (PW-3), Lakhwinder Kaur (PW-4), and police officials HC Narinderjit Singh (PW-5), A.S.I. Kashmir Singh (PW-6), A.S.I. Darshan Singh (PW-7), S.I. Baldev Singh (PW-8), LC Rupinder Singh (PW-9), and C- Manjit Singh (PW-10). Prosecution gave up certain witnesses, namely C-Kulwinder Singh, HC Harbhajan Singh, Kanso, and Rajwant Kaur, deeming them unnecessary, while witnesses Nishan Singh and Sulakhan Singh were declared hostile and dropped, having been won over by the accused. With this, the prosecution closed its evidence.

7. In their statements recorded under Section 313 Cr.P.C., the accused denied the prosecution allegations and claimed false implication.

Their defense was that on 06.04.1998, at about 6–7 p.m., Amrik Singh and Sahib Singh (both accused in this trial) were inspecting their agricultural land purchased from Maan Singh, when they were attacked by the complainant party. It was alleged that Gian Singh (with *chhavi*), Dalip Singh (with *sota*), Dalbir Singh (with *chhavi*), Nishan Singh (with *chhavi*), Chhinda and Bua Singh (with *dangs*), along with Balwinder Kaur and Lakhwinder Kaur (armed with acid bottles), inflicted injuries upon Amrik Singh and Sahib Singh. They further alleged that upon hearing the commotion, Dalbir Kaur (wife of Amrik Singh) and Gurmit Singh (Amrik's nephew) reached the spot and were also attacked with acid and assaulted. Accused Bakshish Singh and Jhirmil Singh pleaded alibi, asserting their absence at the time of occurrence.

8. In support of their defense, the accused examined three witnesses: LC Santokh Singh (DW-1), Dr. Gurmanjit Rai (DW-2), and Dr. Baljit Singh Dhillon (DW-3). Additionally, documents Ex. D15, Ex. D16, and Ex. D17 were tendered in evidence by the defense.

9. Matter was then heard by learned Addl. Session Judge (Ad hoc), Fast Track Court, Gurdaspur, who gave benefit of doubt to accused - Bakshish Singh and Jhirmil Singh and acquitted them, as noted earlier; whereas the other four accused (appellants herein), were convicted and sentenced as per the details given earlier.

10.1 Assailing the conviction and sentence, learned counsel for the appellants contends that the trial court has committed grave error and illegality in convicting the appellants, who are otherwise innocent and wrongly implicated at the behest of the complainant party. It is submitted that there is sufficient evidence on record to establish that the complainant party was the aggressor and had attacked the appellants, causing injuries to Amrik Singh, Sahib Singh, and Dalbir Kaur. The appellants, it is urged, acted purely in self-defence and inflicted injuries upon the complainant party while protecting themselves.

10.2 Learned counsel further submits that the appellants had lawfully purchased 15 kanals of land from Maan Singh, a co-sharer, in the year 1996 and had been in continuous possession thereof. It is alleged that the complainant party, being unable to disturb their lawful possession through legal means, resorted to violence. The incident in question is thus portrayed as an attempt by the complainant party to deprive the appellants of their rightful possession.

10.3 It is further urged that the complainant party had also been charged under Section 307 IPC, among other offences, yet the trial court erred in acquitting them while holding the appellants to be the aggressors. Additionally, it is pointed out that of the five alleged injured witnesses, only four — namely Dalip Singh, Balwant Kaur, Balbir Singh, and Lakhwinder Kaur were examined; the fifth injured witness, Kanso, was not produced by the prosecution, thereby weakening its case.

10.4 Emphasis is also laid on the prosecution's failure to explain the injuries sustained by three members of the appellants' side, which, according to the appellants, further casts a serious doubt on the prosecution version and entitles the appellants to acquittal.

11. Per contra, learned State counsel, supported by learned counsel for the complainant, has defended the judgment of conviction recorded by the trial court and prays for dismissal of the appeal.

12.1 During pendency of this appeal, application bearing CRM-26763-2024 has also been moved on behalf of the complainant party under Section 357 read with Section 357-A Cr.P.C. for payment of compensation on account of severe and grievous injuries suffered by the complainant- injured party including burn injuries, resulting permanent disfigurement of the face.

12.2 Aforesaid application has been opposed by the appellants, pleading innocence.

13. This court has considered submissions of both the sides and have appraised the paper-book carefully.

14. PW1 Balbir Singh is one of the injured and complainant of the case. His testimony is quite material. Supporting the prosecution case, he deposed that his father Gian Singh jointly owned approximately 10 killas of land with his brothers, out of which, 15 kanals were allegedly sold by Maan Singh to accused Amrik Singh and Gurmit Singh, which led to a civil dispute pending in court. At the time of the incident, wheat had been sown on the disputed 16 kanals of land by his (*PW-1's*) family. He deposed further that on 6.4.1998 at around 6–7 p.m., while he and his family were present at their *dera* in Village Kala Afgana, the accused—Sahib Singh (with *chhavi*), Amrik Singh (with *datar*), Gurmit Singh (with *chhavi*), Jhirmil Singh (with *chhavi*), Bakshish Singh (with *dang*), and Dalbir Kaur (with an acid bottle)— arrived to take forcible possession of the land. Upon a call to attack by Bakshish Singh, the accused assaulted the complainant party. His mother Lakhwinder Kaur was hit on the head by Sahib Singh, and that he was injured while intervening. Other family members including Dalip Singh, Kanso Kaur (maternal grandmother), Balwinder Kaur, and PW-1's sister also sustained injuries from weapons and acid used by the accused, who then fled the scene. PW-1 confirmed giving statement to the police (Ex. PA) and identified the recovery memo (Ex. PB) regarding seizure of bloodstained clothes of Balwinder Kaur.

15. PW-2 Dalip Singh, PW-3 Balwinder Kaur, PW-4 Lakhwinder Kaur, injured/eye witnesses corroborated the statement of PW-1 Balbir Singh. They have also deposed as to how injuries were caused to all of them by the accused persons.

16. Simply because the fifth injured, namely Kanso has not been examined by the prosecution, cannot be a reason to discard the testimony of four injured witnesses, as has been contended by counsel for the appellants. It is the quality of evidence, which is material and not the quantity. Out of five injured, four of them have been examined and all of them have proved the

manner in which injuries were caused to them and Kanso by the accused-appellants party.

17.1 Besides above, the testimony of PW1 - Balbir Singh and other injured witnesses, finds further support from the medical evidence, inasmuch as PW - Dr. Gurmit Singh, who had medico legally examined the injured, has proved that as many as four injuries were found on the person of Dalip Singh, when he examined him on 07.04.1998 at 1.15 am. These injuries are in the form of incised wound on the right parietal region; lacerated wound on the left frontal region; diffuse swelling on the left side of forehead, besides incised wound bone deep on the front and middle of the right leg. Two of the injuries were caused by sharp weapon, whereas blunt weapon was used for causing injury No.2 & 3. Dr. Gurmit Singh proved medico legal report Ex.PW11/ A in this regard. He further proved report Ex.PW11/C, whereby injury No.4 was declared to be grievous in nature, caused by sharp edged weapon, thus attracting Section 326 IPC.

17.2 Dr. Gurmit Singh has also proved MLR pertaining to Balwinder Kaur, who was found to have sustained as many as 15 injuries. It was found by Dr. Gurmeet Singh that for causing as many as 12 injuries, corrosive chemical was used, whereas injury Nos.13 and 14 were caused by blunt weapon and injury No.15 was caused by sharp edged weapon. He has proved MLR Ex.PW11/D in this regard, besides his opinion Ex.PW11/F whereby one of the injury was declared simple.

17.2 Dr. Gurmit further proved the MLR of Balbir Singh, who was found to have sustained as many as 3 injuries on the dorsum of his right hand; pain on the left arm of external aspects, besides contusion on the right elbow joint. Dr. Gurmit Singh proved MLR Ex.PW11/G and report Ex.PW11/J, whereby injury No.1 was declared grievous in nature. Ex.PW11/K is the medical report pertaining to injured Kanso as proved by Dr. Gurmit Singh and said Kanso was found to have sustained 3 injuries, which were found to be simple on further examination. The next injured, namely Lakhwinder Kaur

was found to have sustained as many as one injury, which was on the left front parietal region. This injury was caused by sharp edged weapon and the medical report in this regard is Ex.PW11/N. The injury was found to be simple in nature.

18. Apart from above, PW6 - ASI Kashmir Singh, the investigating officer of the case has proved all the proceedings conducted by him during cross-examination including the recovery memos of the weapons used in the crime. Other witnesses examined by the prosecution were formal in nature.

19. It is, thus, clear that the testimony of four injured-eyewitnesses regarding the injuries caused to them and Kanso finds full corroboration from the medical evidence and there is no reason for this court to disbelieve the prosecution version in this regard, as has been found by the trial court.

20. With respect to the submission advanced by learned counsel for the appellants that it was the complainant party, who were the aggressors and not the appellants, this Court finds no merit in the contention. The trial court has meticulously examined the evidence on record and rightly rejected the plea of the appellants.

21. As observed by the trial court, the date, time, and place of occurrence are undisputed. The pivotal question is regarding the identity of the aggressors. The prosecution's case is that the appellants had purchased 15 kanals of land from Maan Singh, a co-sharer related to the complainant party. However, despite the purchase, possession had not been delivered to the appellants. Seeking to forcibly take possession, the appellants, armed with deadly weapons and acid bottles, entered upon the disputed land, which was in possession of the complainant party. When requested to refrain from taking possession forcibly—especially as civil proceedings regarding the property were pending—the appellants attacked the complainants.

22. In contrast, the appellants claimed to have been in possession since 1996 and alleged that the complainant party attacked them. However,

the civil suit record (Ex. D17) demonstrates that the complainant party had instituted proceedings for permanent injunction against the appellants post-sale. The written statement filed by the appellants therein acknowledged that they had purchased land from a co-sharer and had filed an application for partition, which had been allowed ex-parte. The existence of partition proceedings and the fact that execution of partition orders was pending before the Revenue Authorities clearly indicate that possession had not been delivered to the appellants at the time of occurrence.

23. Further, the criminal complaint (Ex. D15) lodged by the complainant party under Sections 447, 427, 506, 148, and 149 IPC prior to the occurrence also supports the prosecution's version that the complainant party was in possession. Although the appellants claimed that Khasra Girdawaris were in their names, no such documentary evidence was produced. The trial court correctly noted that possession, being a crucial aspect, required proof, and the appellants' failure to produce such evidence reinforces the prosecution's case.

24. Additionally, it has come on record that Maan Singh, the vendor of the appellants, was not in exclusive possession of the land and had abandoned the village much before the sale transaction. In the cross-case proceedings (State vs. Lakhwinder Kaur), Amrik Singh himself admitted that they had gone to take possession on the date of occurrence, further corroborating the prosecution's claim.

25. In view of the above evidence, it stands established that the complainant party was in possession of the disputed land, and the appellants attempted to forcibly dispossess them. The place of occurrence being the disputed property itself substantiates this finding. Therefore, the appellants were the aggressors, and their plea of self-defence is wholly untenable.

26. The law is well settled that aggressors cannot claim the right of private defense. Reliance placed by the trial court on the decision in **State v. Bishamber Singh, 1999 (1) R.C.R. (Crl.) 817**, is apt. Even if injuries are found

on the appellants, the prosecution is not obliged to explain such injuries when the appellants are the aggressors, as held in *Joga Singh v. State, 1999 (2) R.C.R. (Cri.) 546*.

27. The evidence led by the prosecution clearly attributes specific injuries to the appellants. Sahib Singh caused grievous injuries to Dalip Singh and Balbir Singh with a 'chhavi'; Dalbir Kaur caused grievous acid injuries resulting in permanent disfigurement to Balwinder Kaur. The detailed testimony of injured witnesses establishes the role of each accused beyond reasonable doubt. The injuries caused were not random but consistent with a premeditated assault with deadly weapons.

**Conclusion:**

28. In view of the foregoing discussion, it is evident that the appellants, armed with deadly weapons and acid bottles, attempted to take forcible possession of the disputed land and caused grievous injuries to members of the complainant party. The appellants acted in concert, with a common intention, and committed the offences with full preparation. Their plea of self-defence stands wholly discredited. As such, this Court finds no infirmity or illegality in the reasoning and findings recorded by the learned trial court. The conviction of the appellants is hereby affirmed. The appeal against conviction, being devoid of any merit, is dismissed.

**Order on Sentence:**

29. As regards the impugned order of sentence, this Court is mindful of the fact that the incident in question took place in April 1998, i.e., more than 27 years ago. At the time of occurrence, appellant Gurmit Singh was 34 years old, Sahib Singh was 44 years old, and Dalbir Kaur was 29 years old. As of today, their respective ages are approximately 61 years, 71 years, and 56 years. It has already been noted that appellant Amrik Singh expired during the pendency of this appeal, and proceedings against him stand abated.

30. Considering the advanced age of the remaining surviving appellants and the substantial passage of time since the incident, this Court is of the considered view that it would not be appropriate to direct them to undergo the custodial sentence as imposed by the trial Court.

31. Accordingly, the impugned order of sentence is modified. The appellants, namely Gurmit Singh, Sahib Singh, and Dalbir Kaur, are ordered to be released on probation for a period of two years. They shall each furnish a separate probation bond in the sum of ₹50,000/- with one surety of the like amount, to the satisfaction of the learned Chief Judicial Magistrate, Gurdaspur.

32. In addition to probation, the appellants shall bear the costs of prosecution. Each appellant shall deposit ₹1,00,000/-, aggregating to ₹3,00,000/- in total. Out of this amount, the following payments shall be made towards compensation to the injured parties:

- ₹ 50,000/- to injured Dalip Singh,
- ₹ 1,50,000/- to injured Balwinder Kaur,
- ₹ 30,000/- to injured Kanso,
- ₹ 10,000/- to injured Lakhwinder Kaur, and
- ₹ 40,000/- to complainant Balbir Singh.

The compensation has been assessed keeping in view the number and nature of injuries sustained by the respective victims.

33. The remaining amount, after disbursement of compensation, shall be treated as prosecution cost. If any fine already deposited by the appellants pursuant to the trial court's order exists, the same shall be adjusted towards the ₹3,00,000/- amount herein directed.

34. The appellants are directed to comply with the terms of probation and payment of prosecution costs within a period of four weeks from today. In the event of failure to furnish the probation bonds or to deposit the prosecution cost within the stipulated period, this appeal, as far as it relates to the order of sentence, shall be deemed to have been dismissed, and the appellants shall be required to undergo the substantive sentence as awarded by the learned trial Court.

35. Upon deposit of the compensation amount, the learned Chief Judicial Magistrate, Gurdaspur shall ensure issuance of appropriate notices to the injured parties for disbursement of their respective shares in the compensation.

36. The present appeal along with the application bearing CRM-26763-2023 are disposed of accordingly.

37. As far as **CRR No.35 of 2004** filed by one of the convicts – Amrik Singh is concerned, it has no merit. Said revision was filed against the acquittal of the complainant party in the cross challan. Since, it has been found that it is the appellants-convicts, who were the aggressors, therefore, the acquittal of the opposite party has been rightly recorded and therefore, the criminal revision in question is hereby dismissed.

**April 28, 2025**  
*Sarita*

**(DEEPAK GUPTA)**  
**JUDGE**

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No