



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

**CRA-S-1113-SB-2004
Reserved on: 07.08.2025
Pronounced on:- 21.08.2025**

Kuldip Rai and othersAppellants

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Deepak Gupta, Advocate
for the appellants.

Mr. Kunwarbir Singh, Assistant A.G. Punjab.

Mr. N.S. Swaitch, Advocate
for respondent No. 2.

Proceedings qua appellants No. 3 and 5 stood abated
vide order dated 05.05.2025.

AMARJOT BHATTI, J.

1. Appellants/convicts Kuldip Rai, Manga, Bakshish Singh (since expired), Laddi and Manzoor Mohamad (since expired) have filed instant appeal against judgment of conviction dated 13.05.2004 and order on question of sentence dated 17.05.2004 passed by learned Special Judge, Kapurthala, in Sessions Case bearing No. 67 of 21.11.2001, titled as "State through Seebo Vs. Kuldip Rai and others" in complaint case, charge-sheeted under Section 148/366/354/323 read with Section 149 of IPC and under Section 3(x) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act), vide which appellants/convicts are sentenced as under:-



Name of Convicts	Offence	Punishment
1. Kuldip Rai 2. Manga 3. Bakshish Singh 4. Laddi 5. Manzoor Mohamad	Under Section 148 IPC	To undergo rigorous imprisonment for a period of two years each and to pay fine of Rs.500/- each and in default of payment of fine, to undergo further rigorous imprisonment for a period of one month each
1. Kuldip Rai 2. Manga 3. Bakshish Singh 4. Laddi 5. Manzoor Mohamad	Under Section 366 read with Section 511 IPC	To undergo rigorous imprisonment for a period of four years each and to pay fine of Rs.1000/- each and in default of payment of fine, to undergo further rigorous imprisonment for a period of one month each
Manga	Under Section 354 IPC Under Section 323 read with Section 149 IPC	To undergo rigorous imprisonment for a period of two years and to pay fine of Rs.500/- and in default of payment of fine, to undergo further rigorous imprisonment for a period of one month To undergo rigorous imprisonment for a period of nine months and to pay fine of Rs.500/- and in default of payment of fine, to undergo further rigorous imprisonment for a period of one month
1. Kuldip Rai 2. Bakshish Singh 3. Laddi 4. Manzoor Mohamad	Under Section 354 read with Section 149 IPC Under Section 323 IPC	To undergo rigorous imprisonment for a period of one year each and to pay fine of Rs.500/- each and in default of payment of fine, to undergo further rigorous imprisonment for a period of one month each To undergo rigorous imprisonment for a period of one year each and to pay fine of Rs.500/- each and in default of payment of fine, to undergo further rigorous imprisonment for a period of one month each

2. As per the facts narrated by complainant Seebo, she was resident of village Kahlwan and belonged to Harijan brotherhood. All accused persons were related to each other and were non-Harijans. On 01.10.2000 at about 06:00 pm, she alongwith her daughter 'MK' were returning home after cleaning dera of Swami Parkasha Nand. When they reached near the shop of



Gindhi and house of milk vendors, Kuldip Rai, Manga, Bakshish Singh, Laddi and Manzoor Mohamad armed with their respective weapons attacked MK with bad intention. They had torn her clothes and was being dragged towards the house of Manzoor Mohamad with bad intention. Kuldip Rai raised *lalkara* by naming caste that they should not escape for giving statements against them and in favour of Baba Purna Nand. Complainant alleged that Kuldip Rai and Bakshish Singh had torn the clothes of her daughter MK. Manga gave rod blow which hit on the left shoulder of MK, as a result, she fell down. Laddi gave *dang* blow which hit on left waist of complainant. Kuldip Rai and Manzoor Mohamad caught hold of MK from her hair and neck. Bakshish Singh and Manga dragged MK by holding her legs. Manzoor Mohamad was telling them to take her inside the house. On the alarm raised by them, her son Sidhu reached on the spot. Manzoor Mohamad gave *datar* blow from reverse side which hit on the left shoulder of Sidhu. Manga, Laddi and Bakshish Singh caused injuries on the breast of MK with bad intention. On the alarm raised by them, Joginder Singh Lamberdar, Dalbir Singh and Pavittar Singh reached on the spot and saved them from accused persons. Accused persons left the spot with their respective weapons raising *lalkara* that they should be stripped naked in village so that they could not show their face to anybody. Vehicle was arranged and she alongwith her daughter MK were taken to Civil Hospital, Kapurthala. MK was admitted in hospital, whereas, Sidhu was discharged after giving First Aid. With these allegations matter was reported to police of Police Station Sadar Kapurthala. Instead of taking action against accused persons, they started proceedings against them and Kuldip Rai under Section 107/151 Cr.P.C. Finally,



complaint was filed in the Court.

3. After recording preliminary evidence by the concerned Magistrate, accused persons were summoned for the offences punishable under Section 354/366/325/324/148/149 of IPC and Section 3 of SC/ST Act. Since the offence under Section 3 of SC/ST Act and under Section 366 of IPC were exclusively triable by the Court of Special Judge, Kapurthala, therefore, learned Additional Chief Judicial Magistrate, Kapurthala committed the case to the Court of learned Special Judge, Kapurthala for trial vide commitment order dated 03.11.2001.

4. Finding a prima facie case against accused persons vide order dated 28.11.2001, accused Kuldip Rai, Manga, Bakshish Singh, Laddi and Manzoor Mohamad were charge-sheeted under Section 148, 366, 354 read with Section 149, 323 read with Section 149 of IPC and Section 3(x) of SC/ST Act, to which they pleaded not guilty and claimed trial.

5. In order to prove the facts of case, prosecution examined complainant Seebo as PW-1, victim MK as PW-2, Joginder Singh as PW-3, Dr. Rajeshwar Singh, Medical Officer, Civil Hospital, Kapurthala as PW-4, Constable Surinder Kumar as PW-5, Dalbir Singh as PW-6 and HC Ranjit Singh as PW-7. Thereafter, learned Additional Public Prosecutor for the State vide his separate statement closed prosecution evidence.

6. Statements of accused persons were recorded under Section 313 Cr.P.C. by the trial Court to which they pleaded innocence and false implication. Accused persons opted to lead evidence in defence. In defence, accused persons examined SI Amrik Singh as DW-1, Ranjit Singh as DW-2, Constable Surinder Kumar as DW-3, Balbir Singh, B.D.O. Kapurthala as



DW-4, Avtar Singh as DW-5, Baldev Singh DSP Rampura Phool as DW-6, Pritam Kaur as DW-7, ASI Amarjit Singh as DW-8 and Joginder Singh as DW-9. Thereafter, accused persons vide separate statements closed defence evidence.

7. After hearing arguments advanced by learned Additional Public Prosecutor for the State and learned counsel representing accused persons, all accused persons were held guilty and convicted vide judgment of conviction dated 13.05.2004 and order on question of sentence dated 17.05.2004 passed by learned Special Judge, Kapurthala, as referred above.

Feeling aggrieved of this judgment of conviction and order on question of sentence, appellants Kuldip Rai, Manga, Bakshish Singh, Laddi and Manzoor Mohamad filed present appeal.

8. However, during the pendency of present appeal, learned counsel for appellants placed on record copies of Death Certificates pertaining to appellant No. 3 Bakshish Singh and appellant No. 5 Manzoor Mohamad and as per order dated 05.05.2025, factum of death of appellants No. 3 and 5 was duly confirmed by respondent-State and accordingly, proceedings qua them were abated.

9. Learned counsel representing appellants argued that appellants were falsely implicated in this case by the complainant. Infact, there was dispute regarding Dera of Swami Purna Nand, who was involved in a criminal case registered under Section 376 of IPC and remained in custody for long. Kuldip Rai and others were opposing said Dera, whereas, complainant Seebo and her family was working for Dera of Swami Purna Nand. Complaint filed by complainant Seebo was thoroughly inquired by the police and thereafter,



proceedings were initiated under Section 107/151 Cr.P.C. against both the parties. Learned counsel for appellants referred to the testimonies of the then SI/SHO of Police Station Sadar Kapurthala Amrik Singh DW-1 and ASI Amarjit Singh DW-8. Constable Surinder Kumar DW-3 produced inquiry file and HC Ranjit Singh DW-2 proved rapat no. 28 dated 01.10.2000 and rapat no. 15 dated 01.10.2000, Ex.DE and DD respectively. DSP Baldev Singh DW-6 proved report dated 23.10.2000 Ex.DC which was duly forwarded to SSP, Kapurthala and thereafter, proceedings were initiated under Section 107/151 Cr.P.C.

Learned counsel for appellants referred to the testimony of Balbir Singh, B.D.O. Kapurthala DW-4 who proved resolution dated 04.05.2001 Ex.DG. Avtar Singh, the then Sarpanch DW-5 and Pritam Kaur DW-7 confirmed aforesaid resolution where it was concluded that no such occurrence had taken place. Joginder Singh examined as DW-9 also supported version of accused. Even Sidhu was given up by the prosecution who was allegedly present at the time of said occurrence.

9.1 Despite ample evidence on record, appellants were wrongly held guilty and convicted by the then Special Judge, Kapurthala. It is further pointed out that now matter has been compromised between both the parties. Copy of compromise dated 23.05.2009 signed by appellants on the one hand and complainant, her daughter and son Sidhu on the other hand is Annexure A-1. Even connected case i.e. CRA-S-1407-SB-2006 was disposed of on the basis of compromise vide judgment dated 08.05.2019. Therefore, considering the aforesaid factual position, appeal preferred by appellants may kindly be accepted and in view of compromise, order of sentence passed by the trial



Court may kindly be modified.

10. Learned counsel appearing on behalf of respondent No. 2/complainant did not oppose the contention of learned counsel for appellants and confirmed the compromise arrived at with appellants.

11. On the other hand, learned counsel representing State of Punjab argued that facts of case were duly proved on record by examining material witnesses Seebo PW-1 and MK daughter of complainant PW-2. Their testimonies are also supported by independent witnesses Joginder Singh PW-3 and Dalbir Singh PW-6. Medical record of MK is proved by examining Dr. Rajeshwar Singh, Medical Officer PW-4. Complainant had approached the police for taking action on the complaint. Constable Surinder Kumar PW-5 and HC Ranjit Singh PW-7 confirmed that complaint was filed on 03.10.2000 which was marked to SHO/SI Amrik Singh and ASI Amarjit Singh for inquiry and finally DSP, Sub Division Kapurthala recommended proceedings under Section 107/151 Cr.P.C. against both the parties. From the evidence led by prosecution, occurrence and charges framed against accused/appellants were duly proved on record and they were rightly held guilty and convicted thereunder.

12. I have considered the arguments advanced by learned counsel for appellants, learned counsel representing respondent No. 2 and learned counsel representing State of Punjab and have gone through the trial Court with their able assistance. Facts of the case are proved on record by prosecution by examining Seebo complainant as PW-1 and victim MK daughter of complainant as PW-2. Their statements regarding the occurrence dated 01.10.2000 remained consistent on all material points. Joginder Singh PW-3



and Dalbir Singh PW-6 also fully corroborated the version of complainant. Oral version of aforesaid prosecution witnesses is further corroborated from the testimony of Dr. Rajeshwar Singh, Medical Officer PW-4 who had medically examined victim MK on 01.10.2000 at 08:28 pm. Aforesaid witness proved Medico Legal Report Ex.PB and pictorial diagram Ex.PB/1. She suffered four injuries, out of which injuries No. 2, 3 and 4 were declared simple in nature, whereas, injury No. 1 was subjected to X-ray. As per cross-examination of this witness, he did not receive any X-ray report or skiagram, therefore, he has not given any opinion regarding injury No. 1. Doctor stated during cross-examination that possibility of these injuries having been caused by friendly hand cannot be ruled out. From the testimony of Constable Surinder Kumar PW-5 and HC Ranjit Singh PW-7 coupled with witnesses examined in defence i.e. SI Amrik Singh DW-1 and ASI Amarjit Singh DW-8, it is confirmed that Seebo had filed a complaint regarding this occurrence on 03.10.2000. Admittedly, Investigating Agency recommended initiation of proceedings under Section 107/151 Cr.P.C. and no FIR was registered. Under these circumstances, complainant Seebo was compelled to file complaint before Illaqa Magistrate in which all accused were summoned and finally faced trial in which they were convicted as referred above.

12.1 Motive behind this occurrence is also established from the testimony of Pritam Kaur DW-7 who categorically stated that main dispute between the parties was that Seebo and her family was working for Dera of Swami Purna Nand, whereas, appellants/convicts were opposing the said Dera.



13. In the light of aforesaid factual position and the evidence on record, prosecution was able to prove the guilt of accused/appellants and they were rightly convicted for the offence under Section 148, 149, 366 read with Section 511, 354 and 323 of IPC. Judgment of conviction passed by learned Special Judge, Kapurthala does not require any interference and same is accordingly, upheld.

14. So far as quantum of sentence is concerned, it is admitted by appellants as well as respondent No. 2/complainant that matter has been compromised between the parties after decision of this case vide compromise dated 23.05.2009 (Annexure A-1). The appellants and complainant alongwith family are residing in the same village Kahlwan, District Kapurthala. The compromise will promote peace and harmony. Present appeal was being taken up with connected appeal i.e. CRA-S-1407-SB-2006 titled "Labh Chand and others Versus State of Punjab" which has been disposed of on the basis of compromise vide judgment dated 08.05.2019. As per custody certificates, appellant No. 1 Kuldip Rai has undergone actual sentence of 04 months and 11 days, appellant No. 2 Manga has undergone actual sentence of 04 months and 12 days whereas, appellant No. 4 Laddi has undergone actual sentence of 04 months and 11 days. Therefore, considering the compromise arrived at between the parties, order on question of sentence dated 17.05.2004 passed by learned Special Judge, Kapurthala stands modified for the sentence which the appellants have already undergone in present case.

As per custody certificates, appellants have failed to deposit the fine as awarded by the trial Court vide order on question of sentence dated 17.05.2004. Let fine be deposited within one month from today, failing which



learned Chief Judicial Magistrate, Kapurthala shall take necessary steps to execute the sentence of fine. Necessary intimation be sent to the concerned Court for information and compliance.

15. With aforesaid modification, present criminal appeal is, accordingly, disposed of.

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

(AMARJOT BHATTI)
JUDGE

21.08.2025

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No