



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-477-2010(O&M)

Date of Decision:-29.04.2025

Swaran Singh & Anr.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Navjinder S. Sidhu, Advocate for the Petitioners.

Mr. Prabhdeep Singh Dhaliwal, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 29.01.2010 passed by Sessions Judge, Muktsar whereby the appeal filed against the judgment of conviction and order of sentence dated 22.04.2008 passed by Judicial Magistrate Ist Class, Muktsar has been dismissed.

2. The FIR in the present case came to be registered on 22.02.2003. The judgment of conviction was passed on 22.04.2008 by the Judicial Magistrate Ist Class, Muktsar. The Appeal filed against the order of conviction was dismissed on 29.01.2010 by the Sessions Judge, Muktsar. The instant revision petition was filed on 17.02.2010 and has come up for final hearing now i.e. after a period of more than 22 years from the date of registration of the FIR.

3. The case was registered on the statement of Iqbal Singh complainant, who alleged that he was a resident of Village Jando Ke and an

agriculturist. On 22.02.2003, at about 10:00 AM, he and his wife were going to their fields and were passing through the kacha passage going towards village Vangal. When they reached near their vacant place, the accused Swaran Singh and his son Kuldeep Singh were seen uprooting Sarkana from there. He asked them as to why they were uprooting the same. The accused Swaran Singh dared him as to how he was asking or stopping him from uprooting the same. The accused claimed that it was their place. Thereafter accused Swaran Singh exhorted to teach a lesson to him. Then Swaran Singh gave a direct blow of a *Bahola*, an instrument of cutting, on his nose. Accused Kuldeep Singh gave a soti blow on the rear side of his head. When he and his wife raised an alarm both the accused ran away from the spot with their respective weapons. After arranging the vehicle, he was brought to Civil Hospital, Muktsar by his wife.

4. On receiving intimation from hospital, ASI Puran Chand alongwith C Jagsir Singh collected the MLR from MHC PS Sadar Muktsar. He reached at Civil Hospital, Muktsar and recorded the statement of the complainant. On the basis of the statement and the MLR, a formal FIR under Section 324/323/34 IPC was registered. The investigating officer reached at the spot and prepared site plan. On 28.02.2003, the investigating officer arrested the accused Swaran Singh and Kuldeep Singh. On 01.03.2003, the injury no.1 on the person of the complainant was declared grievous on the basis of X-ray report. The offence under Section 326 IPC was added. On completion of investigation and necessary formalities, both the accused were challaned for the offence punishable under Section 326/324/323/34 IPC.

5. Finding a prima facie case, accused Swaran Singh was charge sheeted for an offence punishable under Section 326 and 323/34 IPC, whereas accused Kuldeep Singh was charge sheeted for an offence

punishable under Sections 326/34 and 323 IPC. Both the accused pleaded not guilty to the charge and claimed trial.

6. In order to prove its allegations, the prosecution examined Dr. Meena Jagga PW1; Iqbal Singh PW2; C Jagsir Singh PW3 and ASI Puran Chand PW4.

7. After closure of the prosecution evidence, the incriminating material was put to the accused and their statements under Section 313 Cr.P.C. were recorded. Both the accused denied the allegations and claimed false implication. The accused stated that they had not caused any injuries to the complainant. In their defence, the accused examined Hamir Singh as DW1.

7. Based on the evidence led, the accused/petitioners came to be convicted and sentenced by the court of Judicial Magistrate Ist Class, Muktsar vide judgment and order of sentence dated 22.04.2004 as under:-

SWARAN SINGH

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 326 IPC	RI for 03 Years	Rs.1000/-	RI for 02 Months
Section 324/34 IPC	RI for 09 Months	-	-

KULDEEP SINGH

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 326/34 IPC	RI for 02 Years	Rs.500/-	RI for 02 Months
Section 323 IPC	RI for 01 Year	Rs.500/-	RI for 02 Months

All the aforesaid sentences were ordered to run concurrently.

8. The accused/petitioners preferred an appeal which came to be dismissed by the Court of Sessions Judge, Muktsar, vide judgment dated 29.01.2010.

9. The aforementioned judgments are under challenge in the present revision petition.

10. During the pendency of the instant revision petition, the sentence of the accused/petitioner was suspended vide order dated 14.05.2010.

11. The Counsel for the accused/petitioners contends that the medical evidence is contrary to the ocular account. The conviction has been recorded only on the basis of the statement of complainant/injured Iqbal Singh PW-2. The said statement without any corroboration cannot be relied upon to convict the accused. Therefore, the impugned judgments were liable to be set aside. In addition, he contends that in case this Court was to come to a finding that the prosecution had established its case beyond reasonable doubt, then keeping in view the fact that the occurrence was of the year 2003 and the case had come up for final hearing now after a gap of more than 22 years, the accused may be released on probation or their sentences be reduced to the period already undergone by them subject to payment of compensation.

12. The Counsel for the State on the other hand has placed on record the custody certificates both dated 28.04.2025. He contends that the prosecution has established its case beyond reasonable doubt. The medical evidence is totally in consonance with the ocular account. PW-2 Iqbal Singh complainant has deposed consistently as to how and in what manner he had suffered injuries. Thus, the present petition was liable to be dismissed.

13. I have heard counsel for the parties.

14. As per the prosecution case, the petitioners assaulted the complainant-PW-2 Iqbal Singh. The said version of the complainant is totally in consonance with the statement of PW-1 Dr. Meena Jagga who medico legally examined Iqbal Singh and found two injuries on his person one of which was grievous. The defence version that no injuries were

caused cannot be believed in the face of the statement of the complainant and that of the doctor. Therefore, I find no merit in the present petition and the same stands dismissed.

15. As regards the imposition of sentence, it may be noted that the occurrence took place in the year 2003, the conviction was recorded on 22.04.2008, the appeal was dismissed by the Court of Sessions Judge, Muktsar on 29.01.2010, the revision petition was filed on 17.02.2010 and has come up for hearing now after 22 years of the registration of the FIR. Therefore, while upholding their conviction, the sentence of the accused/petitioners is modified as under:-

SWARAN SINGH

Offence under Section	Sentence reduced	Fine imposed/enhanced	RI/SI in default of payment of fine
Section 326 IPC	03 months and 18 days i.e. the period already undergone by the accused	Rs.16,000/-	RI for 06 Months
Section 324/34 IPC	03 months and 18 days i.e. the period already undergone by the accused	-	-

KULDEEP SINGH

Offence under Section	Sentence	Fine imposed/enhanced	RI/SI in default of payment of fine
Section 326/34 IPC	03 months and 18 days i.e. the period already undergone by the accused	Rs.15,500/-	RI for 06 Months
Section 323 IPC	03 months and 18 days i.e. the period already undergone by the accused	Rs.500/-	RI for 06 Months

All the sentences shall run concurrently. Out of the aforesaid fine amount, Rs.15,000/- each be paid to the injured/complainant Iqbal Singh.

26. The present revision petition stands disposed of in the above terms.

**(JASJIT SINGH BEDI)
JUDGE**

April 29, 2025
Vinay

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