

2025:PHHC:053525



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

**CRR-535-2008(O&M)**

**Date of Decision:-25.04.2025**

**Balbir Singh & Ors.**

.....Petitioners.

Vs.

**State of Punjab.**

.....Respondent.

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

Present:- Mr. S.S. Ranghi, Advocate for the Petitioners.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

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**JASJIT SINGH BEDI, J.(ORAL)**

The present revision petition has been filed impugning the judgment dated 22.02.2008 passed by Additional Sessions Judge, Rupnagar whereby the appeal filed against the judgment of conviction and order of sentence dated 22.09.2006 passed by Judicial Magistrate Ist Class, Ropar has been dismissed.

2. The FIR in the present case came to be registered on 27.05.2001. The judgment of conviction was passed on 22.09.2006 by the Judicial Magistrate Ist Class, Ropar. The Appeal filed against the order of conviction was dismissed on 22.02.2008 by the Additional Sessions Judge, Rupnagar. The instant revision petition was filed on 17.03.2008 and has come up for final hearing now i.e. after a period of more than 24 years from the date of registration of the FIR.

3. Briefly stated, the prosecution version as enumerated in the report under Section 173 of the Code of Criminal Procedure is that on

27.5.2001 on receipt of a message ASI Jagan Nath Incharge Police Post Purkhali reached at Civil Hospital Ropar and after seeking necessary permission from the concerned doctor recorded the statement of injured Baljit Singh. In the said statement Baljit Singh complainant stated that he was an agriculturist and on 26.5.2001 he along with his brother Gurjit Singh was present in his land adjoining the boundary of village Bhadal. They released the water from their motor and were collecting bricks and pebbles. At about 6.00 PM, a Ford Tractor being driven by the brother of Balbir Singh sarpanch village Santokhgarh Tapprian came there where in Balbir Singh was armed with Barchha, Mehru son of Chhaja Singh was armed with Salangha, Balbir Singh's brother was armed with stick, Didar Singh was armed with a Gandasi and Ghola was armed with a stick came there and started ploughing their land. When they were stopped, they came down heavily on Baljit Singh. Balbir Singh gave a Barchha blow on the right hand of Baljit Singh, Didar Singh gave a Gandasi blow on the head of Baljit Singh and Mehru gave a Salangha blow on the left leg of Baljit Singh. Gurjit Singh came to rescue Baljit Singh, but Balbir Singh gave a Barchha blow on the right arm of Gurjit Singh, Mehar Singh gave a Salangha blow on the right leg of Gurjit Singh and when Gurjit Singh fell on the ground, Balbir Singh's brother and Ghola Singh gave merciless beatings to them. Baljit Singh further stated that he was given beatings on both the shoulders and arms and his brother Gurjit Singh was given injuries on the backside, nose and left foot. They raised a hue and cry upon which Baljit Singh's father Labh Singh along with Gurtej Singh came present there and the accused thereafter ran away from the spot along with their respective weapons and the tractor. Baljit Singh stated that the motive behind the occurrence was that a mutation case regarding the land was pending and the accused wanted to forcibly

occupy the said land. Thereafter, both the injured were got admitted by Labh Singh at Civil Hospital, Ropar, where they were getting treatment.

4. On the aforesaid statement of Baljit Singh, the police proceedings were recorded by ASI Jagan Nath and the FIR was got registered at Police Station Sadar Ropar. The matter was investigated and accused were arrested. The copies of medical reports were obtained. The site plan of place of occurrence was prepared and after completion of all the necessary formalities of investigation the challan against the accused was presented in Court by Station House Officer, Police Station Sadar Ropar.

5. On perusal of the report under Section 173 Cr.PC and the documents annexed therewith a prima facie case under Section 326, 325, 324, 323, 148, 149 Indian Penal Code was made out against the accused and accordingly they were charge sheeted. The accused pleaded not guilty and claimed to be tried.

7. In order to substantiate the charges against the accused, the prosecution examined PW-1 Baljit Singh, PW-2 Gurjit Singh, PW-3 Dr. Tarlochan Singh, PW-4 Dr. Guriqbal Singh and PW-5 ASI Jagan Nath. Thereafter the prosecution evidence was closed.

8. The Statement of the accused were recorded under Section 313 Cr.PC wherein the incriminating evidence appearing against them was put to them. They stated that the case against them was false and fabricated in order to put pressure upon them in the civil suit and to grab the property. No injuries were caused and they were innocent. In their defence evidence the accused also tendered copy of order dated 13.12.2002 as Ex.D-1 and thereafter closed their defence evidence.

9. Based on the evidence led, the accused/petitioners came to be convicted and sentenced by the court of Judicial Magistrate Ist Class, Ropar

vide judgment and order of sentence dated 22.09.2006 as under:-

### Balbir Singh

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 148 IPC	RI for 01 Year	-	-
Section 324 IPC	RI for 01 Year and 06 Months	-	-
Section 323 r/w 149 IPC	RI for 06 Months	-	-
Section 325 IPC r/w 149 IPC	RI for 01 Year and 06 Months	Rs.500/-	RI for 01 Month
Section 326 IPC r/w 149 IPC	RI for 02 Years	Rs.1000/-	RI for 01 Month

### Harjit Singh

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 148 IPC	RI for 01 Year	-	-
Section 323 r/w 149 IPC	RI for 06 Months	-	-
Section 324 r/w 149 IPC	RI for 01 Year 02 Months	-	-
Section 325 IPC r/w 149 IPC	RI for 01 Year and 06 Months	Rs.500/-	RI for 01 Month
Section 326 IPC r/w 149 IPC	RI for 02 Years	Rs.1000/-	RI for 01 Month

### Dilbagh Singh

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 148 IPC	RI for 01 Year	-	-
Section 323 IPC	RI for 06 Months	-	-
Section 324 r/w 149 IPC	RI for 01 Year 06 Months	-	-
Section 325 IPC r/w 149 IPC	RI for 01 Year and 06 Months	Rs.500/-	RI for 01 Month
Section 326 IPC r/w 149 IPC	RI for 02 Years	Rs.1000/-	RI for 01 Month

### Mehar Singh

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 148 IPC	RI for 01 Year	-	-
Section 324 IPC	RI for 01 Year and 06 Months	-	-
Section 323 r/w 149 IPC	RI for 06 Months	-	-
Section 325 IPC r/w 149 IPC	RI for 01 Year and 06 Months	Rs.500/-	RI for 01 Month
Section 326 IPC r/w 149 IPC	RI for 02 Years	Rs.1000/-	RI for 01 Month

### Ghola Singh

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 148 IPC	RI for 01 Year	-	-
Section 325 IPC	RI for 01 Year and 06 Months	Rs.500/-	RI for 01 Month
Section 323 r/w 149 IPC	RI for 06 Months	-	-
Section 324 IPC r/w 149 IPC	RI for 01 Year and 06 Months	-	-
Section 326 IPC r/w 149 IPC	RI for 02 Years	Rs.1000/-	RI for 01 Month

All the aforesaid sentences were ordered to run concurrently.

7. The accused/petitioners preferred an appeal which came to be dismissed by the Court of Additional Sessions Judge, Rupnagar, vide judgment dated 22.02.2008 and all the sentences imposed by the Trial Court were ordered to run concurrently.

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

9. During the pendency of the instant revision petition, the sentence of the accused/petitioners was suspended vide order dated 12.05.2008.

10. The Counsel for the accused/petitioners contends that the accused/petitioner nos.2 to 5 have passed away and only accused/petitioner no.1 Balbir Singh is surviving. He does not wish to challenge his conviction but prays that as the occurrence took place on 27.05.2001 and the present revision petition has come up for hearing now after 24 years, his sentence be reduced to the period already undergone by him particularly when he had no criminal antecedents.

11. The Counsel for the State on the other hand has placed on record the custody certificate dated 07.04.2025. He admits that the accused/petitioner nos.2 to 5 have passed away. He contends that the nature of allegations did not entitle accused/petitioner no.1 Balbir Singh to any concession including that of reduction of sentence.

12. I have heard counsel for the parties.

13. A perusal of the record would reveal that the statements of prosecution witnesses is clear and consistent in material particulars. The medical evidence is totally in consonance with the ocular account.

Therefore, I find no infirmity in the impugned judgments and the present petition stands dismissed qua petitioner/accused Balbir Singh while it stands abated qua accused/petitioner nos.2 to 5-Harjit Singh, Dilbagh Singh, Mehar Singh and Ghola Singh.

14. As regards the imposition of sentence, a perusal of the custody certificate would reveal that the petitioner has undergone custody of 02 months and 21 days out of the substantive sentence of 02 years. He is also a first time offender. The matter has come up for hearing now after 24 years of the registration of the FIR. Therefore, while upholding his conviction, I deem it appropriate to reduce the sentence imposed on the accused/petitioner-Balbir Singh to the period already undergone by him. The sentence of fine and sentence in default of payment of fine shall remain intact.

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

**( JASJIT SINGH BEDI )**  
**JUDGE**

**April 25, 2025**  
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>