

2025:PHHC:069241



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

CRR-477-2009(O&M)

Date of Decision:-22.05.2025

Shiv Ram & Ors.

.....Petitioners.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Aman Pal, Advocate for the Petitioners.

Mr. Munish Sharma, Deputy Advocate General, Haryana.

Mr. Ashish Tewatia, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The present revision petition has been filed impugning the judgment dated 18.02.2009 passed by Additional Sessions Judge, Faridabad whereby the appeal filed against the judgment of conviction and order of sentence dated 14/15.07.2006 passed by Judicial Magistrate Ist Class, Palwal has been dismissed.

2. The FIR in the present case came to be registered on 06.12.1995. The judgment of conviction was passed on 14/15.07.2006 by the Judicial Magistrate Ist Class, Palwal. The Appeal filed against the order of conviction was dismissed on 18.02.2009 by the Additional Sessions Judge, Faridabad. The instant revision petition was filed on 20.02.2009 and has come up for final hearing now i.e. after a period of more than 30 years from the date of registration of the FIR.

3. The prosecution case in brief is that on 6.12.95 ASI Jai Siri

alongwith C. Subhash Chand and C. Khushi Ram was going for patrolling duty and on receiving a rukka from GH Palwal, ASI Jai Siri reached at G.H. Palwal and recorded the statement of Hukam Lal (complainant) who stated that on 6.12.95 at about 7.30 AM, he alongwith Bishan Singh & Vikram Singh was going in a hired tractor driven by Mahender Singh r/o Ghughera. When they reached near the tubewell of Kamal, at about 7.45 AM then Kamal, Sunder and Pritam armed with lathies, Shiv Ram armed with Ballam, Deep Chand armed with Lathi, Devender & Zile Singh armed with lathies, Banti @ Amarpal and Chandi, came in furtherance of their common intention and stated that the complainant party be taught a lesson. Kamal gave a lathi blow on his right hand, near elbow, Shiv Ram gave a Ballam blow on his left hand, Pritam gave a lathi on his right leg, Deep Chand gave a lathi on his waist. When his nephew Bishan was rescuing him, Kamal struck his right leg, Shiv gave a Ballam blow on his head and a second Ballam on his right leg. Sunder gave a lathi blow to Bishan on his left hand, Devender gave a lathi blow to Bishan on the elbow of the left hand, Zile Singh gave a lathi blow on the knee of the left leg, Sunder gave a lathi blow on the Pindli of the left leg. His nephew Vikram Singh was rescuing him, when Shiv Ram gave a Ballam blow on the left hand of Vikram which struck the thumb and a finger, Banti gave a lathi blow to Vikram on his head, Pritam gave a lathi blow on the left leg of Vikram, and Chandi was asking other to beat them. They made a noise "Mardiya-2". Gian came there and he and Mahinder rescued them. On the aforementioned statement, the present case was registered. Investigation was set in motion. Accused were arrested. After completion of all the usual acts of investigation, the challan was presented before the Court.

3. Finding a prima facie the accused were charged under Sections

148, 323/325/ 324/326 IPC read with Section 149 IPC to which they pleaded not guilty and claimed trial.

5. To prove its case, prosecution examined five witnesses. PW1 Dr. Surjit Lal Mehra, PW2 Mahinder (eye witness), PW3 Hukam Lal (Injured), PW4 Bishan Singh (Injured) and PW5 Vikram (Injured). PW1 in his testimony deposed that on 6.12.95 he radiologically examined Bishan Singh and found that there was a fracture of the right fibula in the X-ray of right leg. There was fracture of head of forth metal carpal in the X-ray of left hand. There was no fracture in the X-ray of left knee joint and x-ray of left elbow joint. He proved his report Ex.PW1/B and X-ray films as Ex.PW1/B. He also deposed that he also examined Vikram Singh and found there was fracture of middle feilings of right little finger in the X-ray of right hand with fingers. There was no fracture in the X-ray of left thumb with hand in the X-ray of left chest, in the X-ray of left knee joint and X-ray of left leg lower part. He proved his report Ex.PW-1/C and X-ray films as Ex.PW-1/D. The other PWs deposed about the manner of occurrence.

6. Statements of the accused were recorded under section 313 Cr.P.C. All the incriminating evidence available on the case file was put to the accused, which they denied and stated that they had been falsely implicated in the case.

7. Based on the evidence led, the accused/petitioners came to be convicted and sentenced by the court of Judicial Magistrate Ist Class, , Phul vide judgment and order of sentence dated 14/15.07.2006 as under:-

Offence under Section	Sentence	Fine
Section 148 IPC	RI for 06 Months each	Rs.200/- each
Section 323 r/w 149 IPC	RI for 06 Months each	Rs.300/- each
Section 325 r/w 149 IPC	RI for 01 Year each	Rs.500/- each
Section 326 r/w149 IPC	RI for 03 Years each	Rs.5000/- each

In default of payment of fine, each accused/convict was directed to undergo rigorous imprisonment for a period of 01 month under each

section. Fine of Rs.1500/- by each accused (in total Rs.12,000/-) paid.

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 Additional Sessions Judge, Faridabad, vide judgment dated 18.02.2009.

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/petitioners was suspended vide order dated 18.03.2009.

11. The Counsel for the accused/petitioners contends that he does not wish to challenge the conviction of the petitioners but keeping in view the fact that the occurrence took place in December 1995 and the matter has come up for hearing now after almost 30 years, 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 of all the petitioners dated 21.05.2025. He along with the counsel for the complainant contend that the nature of the allegations leveled against the accused/petitioners does not entitle them to the concession as prayed for and therefore, while upholding their conviction, the sentence imposed upon them be maintained.

13. I have heard counsel for the parties.

14. A perusal of the record would reveal that the prosecution witnesses are consistent in material particulars. There is no reason for them to have falsely implicated the accused party. The medical evidence is totally in consonance with ocular account. Therefore, I find no merit in the instant

revision 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 1995, the conviction was recorded on 14/15.07.2006, the appeal was dismissed by the Court of Additional Sessions Judge, Faridabad on 18.02.2009, the revision petition was filed on 20.08.2009 and has come up for hearing now after almost 30 years of the registration of the FIR. Therefore, while upholding their conviction, I deem it appropriate to reduce their sentence as under:-

1. SHIV RAM

Offence under Section	Sentence	Fine enhanced to	RI/SI in default of payment of fine
Section 148 IPC	23 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 323 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 325 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.2000/-	RI for 01 Month
Section 326 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.10,000/-	RI for 01 Month

2. AMAR PAL @ BANTI

Offence under Section	Sentence	Fine enhanced to	RI/SI in default of payment of fine
Section 148 IPC	24 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 323 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 325 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.2000/-	RI for 01 Month
Section 326 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.10,000/-	RI for 01 Month

3. DEEP CHAND

Offence under Section	Sentence	Fine enhanced to	RI/SI in default of payment of fine
Section 148 IPC	23 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 323 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 325 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.2000/-	RI for 01 Month

Section 326 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.10,000/-	RI for 01 Month
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4. PRITAM

Offence under Section	Sentence	Fine enhanced to	RI/SI in default of payment of fine
Section 148 IPC	23 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 323 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 325 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.2000/-	RI for 01 Month
Section 326 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.10,000/-	RI for 01 Month

5. SUNDER

Offence under Section	Sentence	Fine enhanced to	RI/SI in default of payment of fine
Section 148 IPC	24 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 323 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 325 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.2000/-	RI for 01 Month
Section 326 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.10,000/-	RI for 01 Month

6. ZILE SINGH

Offence under Section	Sentence	Fine enhanced to	RI/SI in default of payment of fine
Section 148 IPC	24 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 323 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 325 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.2000/-	RI for 01 Month
Section 326 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.10,000/-	RI for 01 Month

7. DEVINDER

Offence under Section	Sentence	Fine enhanced to	RI/SI in default of payment of fine
Section 148 IPC	23 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 323 r/w 149 IPC	23 days i.e. the period	Rs.1,000/-	RI for 01 Month

	already undergone by the accused		
Section 325 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.2000/-	RI for 01 Month
Section 326 r/w 149 IPC	23 days i.e. the period already undergone by the accused	Rs.10,000/-	RI for 01 Month

8. KAMAL

Offence under Section	Sentence	Fine enhanced to	RI/SI in default of payment of fine
Section 148 IPC	24 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 323 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.1,000/-	RI for 01 Month
Section 325 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.2000/-	RI for 01 Month
Section 326 r/w 149 IPC	24 days i.e. the period already undergone by the accused	Rs.10,000/-	RI for 01 Month

All the sentences shall run concurrently. Out of the aforesaid fine amount, Rs.80,000/- be distributed equally as compensation amongst the injured persons/their legal heirs.

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

**(JASJIT SINGH BEDI)
JUDGE**

May 22, 2025
Vinay

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No