

2025:PHHC:053561



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

**CRR-851-2008(O&M)**

**Date of Decision:-25.04.2025**

**Labh Singh & Anr.**

.....Petitioners.

Vs.

**State of Punjab.**

.....Respondent.

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

Present:- Mr. Sourav, Advocate for  
Mr. Ish Puneet Singh, 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 22.04.2008 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 22.04.2008 by the Additional Sessions Judge, Rupnagar. The instant revision petition was filed on 06.05.2008 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 Seema Devi wife of late Sh. Ujjager Singh got recorded her statement before ASI Jagan Nath stating therein that she was a household lady and residing at village Bhawani Kalan. On 26.5.2001 at about 8.00 PM she was present in her house and the gate was locked from inside. Labh Singh armed with an axe" and Bahadur Singh armed with a stick came inside the house after crossing over a wall and took her out of the room Labh Singh gave two blows from the reverse side of the axe on her chest and stomach, while Bahadur Singh gave stick blows on her left hand and the shoulder. They took her to the street where Devinder Kaur wife of Labh Singh dragged her from her hair and she got scratches on left leg. The accused persons were taking her to their house, but in the meanwhile Sikander Singh son of Bachan Singh and Nasib Khan son of Atma Khan came present and rescued her. The accused while leaving the place of occurrence threatened to kill her. The motive behind the occurrence was that a dispute regarding land was pending in the Courts and the accused persons had forcibly occupied the land of her husband. She was got admitted in the hospital by Didar Singh son of Jit Singh and prayed for action being taken against the accused persons.

4. On the aforesaid statement of Seema Devi complainant, ASI Jagan Nath recorded his endorsement and got registered the FIR in the present case and started the investigation. The accused were arrested, site plan of the place of occurrence was prepared and after completion of the Investigation the challan against the accused was presented in the Court by Station House Officer, Police Station Sadar, Ropar.

5. On a perusal of the report under Section 173 Cr.PC and the documents annexed therewith a prima facie case under Section 452, 323,

506 read with Section 34 Indian Penal Code was made out against the accused and accordingly charges were framed against the accused vide order dated 16.8.2001 to which the accused pleaded not guilty and claimed to be tried.

6. In order to substantiate the charges against the accused, the prosecution examined PW-1 Seema Devi, PW-2 Sikander Singh, PW-3 Nasib Khan, PW-4 ASI Jagan Nath and PW-5 Dr. Tarlochan Singh. Thereafter the APP closed the prosecution evidence.

7. The Statement of the accused were recorded under Section 313 Cr.PC wherein the incriminating evidence appearing against them was put to them. The accused stated that the complainant party had inflicted injuries to them regarding which FIR No. 98 dated 27.5.2001 had also been registered and in order to save their skin, the present criminal case had been falsely registered. The accused also tendered a copy of the order dated 29.10.2004 in defence evidence.

8. 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:-

Offence under Section	Sentence	Fine	RI/SI in default of payment of fine
Section 452 r/w 34 IPC	RI for 02 Years each	Rs.500/- each	SI for 01 Month each
Section 323 r/w 34 IPC	RI for 06 Months each	-	-
Section 506 r/w 34 IPC	RI for 01 Year each	Rs.250/- each	SI for 01 Month each

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 22.04.2008.

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 14.05.2008.

10. The Counsel for the accused/petitioners contends that the accused/petitioner no.2-Bahadur Singh son of Jit Singh has expired. He states that he does not wish to challenge the conviction of accused/petitioner no.1-Labh Singh 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 no.2 had passed away. He contends that the nature of allegations did not entitle accused/petitioner no.1 Labh 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 accused/petitioner Labh Singh while it stands abated qua accused/petitioner no.2 Bahadur Singh .

14. As regards the imposition of sentence, a perusal of the custody certificate would reveal that the petitioner has undergone custody of 27 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-Labh 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>