



S. No.101

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRA No.2119-SB of 2004  
Date of Decision:18.08.2025

Dhan Raj @ Badhiya  
Vs.

.....Appellant

State of Haryana

.....Respondent

**CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present:- Mr. Kulvir Narwal and Mr. Amit Sheoran, Advocates  
for the appellant.

Mr. Rakesh Kumar Ambavta, DAG, Haryana.

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**Yashvir Singh Rathor, J. (Oral)**

1. The present appeal is directed against the judgment dated 05.10.2024 passed by Additional Sessions Judge, Jhajjar vide which the appellant was held guilty and convicted for the offences under Sections 323, 325 and 452 IPC and has been sentenced to undergo Simple Imprisonment for a period of six months for the offence under Section 325 IPC, Simple Imprisonment for two and a half years each for the offences punishable under Sections 325/452 IPC and he has also been held liable to pay fine of Rs.1,000/- each for both the offences. In case of default in making payment of fine, he has been directed to undergo Simple Imprisonment for six months and all the sentences were ordered to run concurrently.

2. Brief facts of the prosecution case are that on 27.01.2001, HC Hawa Singh and other police officials were going for patrolling when they received an



information that a quarrel is going on in Village Ballor on which they reached the spot where complainant Tuls Ram met them and got recorded his statement before HC Hawa Singh alleging that on 26.01.2001, he was sleeping in his shop after taking meals and at about 11:30 PM, he heard some sound of footsteps from the roof and suddenly, one person entered his shop and he felt that someone was touching the chain which he was wearing in his neck. He tried to get up but assailant pressed his throat with the help of a stick and when he tried to remove the stick, it hit on his mouth, as a result of which, his teeth were broken and bleeding started from the wound. When he succeeded in removing the stick from his mouth, he caught hold of the assailant from his feet and he identified the assailant to be Dhan Raj, resident of his village. Complainant raised an alarm on which his sons Satbir and Balbir were attracted to the spot along with one neighbour namely, Ranjit. However, accused managed to free himself and ran away. While going away, accused threatened to kill him in future. On the basis of this complaint, ruqa Ex.PE was sent to the police station and formal FIR was registered. Later on, medical opinion was received and the offence under Section 307 IPC was also added. Accused was arrested and he suffered disclosure statement Ex.PH and in pursuance thereof, he got recovered the stick which was taken into possession vide memo Ex.PJ. Rough site plan of the place of occurrence Ex.PG was prepared. Sketch of stick Ex.PJ/1 and rough site plan of the place of recovery Ex.PJ/2 were prepared. MLR of the injured was obtained. Statements of witnesses were recorded and after completion of investigation, challan was presented in Court for trial.



The case was committed to the Court of Sessions for trial by the learned Area Magistrate and accused was charge-sheeted for committing the offences punishable under Sections 452, 307 and 506 IPC to which he pleaded not guilty and claimed trial.

In support of its case, prosecution has examined nine witnesses, namely, Dr. D.S. Rana – PW1, Dr. Sachin Dadoo – PW2, ASI Balwan Singh – PW3, Tulsi Ram, complainant- injured – PW4, Balbir, eye witness – PW5, Ranjit, eye witness – PW6, HC Hawa Singh – PW7, ASI Naresh Kumar – PW8 and UGC Maman Singh – PW9. PW Satbir was given up by ld. PP and ld. PP closed the prosecution evidence.

Thereafter, statement of accused under Section 313 Cr.P.C was recorded in which the entire incriminating material was put to him to which he pleaded false implication. In his defence, accused has examined Sanjiv Kumar Clerk, SDM Office, Bahadurgarh- DW1 and Hans Raj, Ex-Reader to A.C Ist Grade, Bahadurgarh – DW2 and tendered in evidence some documents.

After hearing the Public Prosecutor and the defence counsel, learned trial Court held the accused guilty and convicted him for the offences under Sections 323 and 325/452 IPC and sentenced him to undergo imprisonment as mentioned above.

Feeling aggrieved, appeal in hand was instituted. Learned counsel for the appellant and learned State Counsel have been heard and material on file has been perused.

At the very outset, it is pertinent to mention that learned counsel for the appellant has submitted that he does not press the appeal on merits and has



prayed for taking a lenient view on the question of sentence. Learned counsel has contended that the appellant is facing trial since the year 2001 and has faced the agony of trial since then. Out of the substantive sentence of two and half years awarded to him by the learned trial Court, he has already undergone sentence of 06 months and 28 days. Learned counsel has further contended that the sentence awarded to the appellant may kindly be reduced to the period already undergone by him and he undertakes not to repeat the offence in future.

Learned State Counsel has opposed the prayer and has argued that no lenient view is warranted in view of the gravity of the offence and the manner in which the same was committed and he prayed that appeal in hand be dismissed.

The evidence adduced by the prosecution has been perused which shows that the complainant- Tulsi Ram, while appearing as PW4 has stated material facts of the prosecution case on oath as well and his version has been corroborated by PW5 and PW6 and they have identified the accused to be the same person who had committed the offence in question and committed trespass in order to commit the offence and having caused grievous injuries to the victim. Nothing to shatter their veracity could be elicited during their cross-examination and their stand has remained inconsistent through-out. Besides this, the ocular version has been duly corroborated by medical evidence. The victim was medico legally examined by PW1 Dr. D.S. Rana on 27.01.2001 and he has proved the MLR Ex.PB and found following injuries on his person:-

1. Complained of missing two teeth lower right side i.e. one was canine and other was premolar. Both the sockets were empty, containing blood clots. No other teeth was present in the lower jaw.



Upper jaw as having 17 teeth only. Mobility was present. Oral hygiene was poor, there was an abrasion 0.5cmx0.25cm. inner side of upper lip on right side. There was a reddish swelling 1cm X 1cm, on inner side of lower lip right side. Referred to dental surgeon for expert opinion.

2. Complained of pain in throat due to throting by a rod. Referred to E.N.T. specialist for expert opinion.

In addition to this, prosecution has also examined PW2 Dr. Sachin Dadoo –Dental Surgeon, who has proved the report Ex.PD and as per his opinion, right lower canine and second lower premolar of the right side were missing. The sockets of these teeth had not completely healed and there were only 7 teeth present in the mouth. Nothing favourable could be extracted even during cross-examination of PW1 and PW2 to prove to the contrary. The Investigating Officers too have been examined as PW7 and PW8 who have stated the material facts about the usual investigation conducted by him. As such, from the evidence led on file, it is established that the accused had committed trespass in the house of victim, namely, Tulsi Ram with an intention to commit theft and while doing so, he caused simple as well as grievous to the complainant. Learned trial Court has also appreciated the facts of the case and evidence on file in the correct perspective while convicting him for the offences under Sections 323, 325/452 IPC and there is no reason to take contrary view and accordingly, the findings of the learned trial Court are affirmed.

Coming to the question of sentence, appellant has been sentenced to undergo Simple Imprisonment for two and a half years each for the offences under



Sections 325 and 452 IPC besides fine of Rs.1,000/- each. He has also been sentenced to undergo Simple Imprisonment for six months for the offence under Section 323 IPC. The incident took place in the year 2001 and the trial was decided vide judgment dated 05.10.2004 and since then, the appeal is pending. The appellant has thus faced the agony of trial for the last 24 years. He has also undergone 06 months 28 days of imprisonment as per custody certificate placed on file by the learned State Counsel. The appellant is not a previous convict and is the first offender and learned counsel for the appellant has undertaken that the appellant will not repeat the offence and will maintain peace and harmony in the village and in the circumstances, taking into consideration the facts of the case, age of the appellant and the fact that he is not a previous convict, I am of the considered opinion that ends of the justice will be met in case he is sentenced to the period already undergone by him, i.e. 06 months and 28 days and it is ordered accordingly.

With the afore-said modification, the appeal in hand is dismissed.

**(Yashvir Singh Rathor)**  
**Judge**

**August 18, 2025**  
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No