IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-457-SB-2005 (O&M)
Reserved on : 28.04.2026
Pronounced on : 30.04.2026

Umrao Singh & Ors.

..... Appellants

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by : Appeal stands abated qua appellant No.1 vide order dated 06.02.2019.

Mr. Dharamvir Singh, Advocate and
Mr. Mayank Sarpal, Advocate for the appellants No.2 and 3.

Ms. Deepali Verma, Asst. A.G. Haryana.

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SURYA PARTAP SINGH, J.

The present appeal has been filed by the appellants against the judgment of conviction dated 18.02.2005 and order of sentence dated 21.02.2005, passed by the Court of learned Additional Sessions Judge (Fast Track Court) Bhiwani, hereinafter being referred to as 'trial Court' only.

2. Briefly stating the facts emerging from record are that one FIR, i.e. the FIR No.42 dated 29.01.1999, was registered at the instance of 'Mahipal' for the offence under Sections 323/325/307/34 of Indian Penal Code, in Police Station Sadar Bhiwani. In view of abovementioned FIR, the investigation was taken up by the police, and as an outcome of abovesaid investigation, the appellants were sent to face trial before the learned trial

Court.

3. The appellants participated in the abovementioned trial, which by virtue of impugned judgment culminated into their conviction. Thus, vide order dated 21.05.2005 on quantum of sentence, the appellants were awarded following sentences:-

Name of convict	Offence under Sections	Sentence
Umrao Singh Satpal	307/34 of IPC	Rigorous imprisonment for a period of seven years and to pay a fine of Rs.1,500/- and in default thereof to further undergo simple imprisonment for a period of four months.
Nitin	323/34 of IPC	Rigorous imprisonment for a period of six months and to pay a fine of Rs.500/- and in default thereof to further undergo simple imprisonment for a period of one month.

All the sentences were ordered to run concurrently.

4. Aggrieved of the abovementioned judgment of conviction and order of sentence, the present appeal has been preferred by the appellants.

5. In nut-shell, the facts emerging from record are that the FIR of this case came into being on 24.01.1999 at the instance of 'Mahipal', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 24.01.1999, he was supervising the construction work in his plot, where 'Satpal' along with his cousin (son of maternal uncle) came, objected to the construction work and asked him to stop the same. According to complainant, both of them caught hold of him and started beating him with slaps and punches. As per complainant, when his brother 'Dalbir' tried to intervene, he, too, came under assault and

'Satpal' inflicted multiple injuries on his left hand with the help of *lathi*.

6. The complainant further stated that when his nephew 'Parkash' heard commotion, he, too, came on the spot and that thereafter, 'Umrao' armed with *farsa* (battle-axe) came on the spot and handed over the abovementioned weapon to 'Satpal', who gave a farsa blow on the back of 'Brijpal'. It was also stated by the complainant that thereafter, 'Nitin' came on the spot armed with steel rod and inflicted injury on the back of 'Brijpal' with steel rod. Accordng to complainant, thereafter the villagers gathered on the spot and rescued them, whereas the assailants fled from the spot.

7. It is the case of the prosecution that on the basis of abovementioned statement, formal FIR of this case was lodged and the investigation taken up. As per prosecution, during the course of investigation, the Investigating Officer inspected the spot, prepared rough site plan of the place of occurrence, recorded the statement of witnesses, under Section 161 CrPC, and completed other usual formalities of investigation. Thereafter, the final report under Section 173 of CrPC was filed.

7. To discharge its burden with regard to charge against the appellants, the prosecution in the instant case relied upon documentary as well as oral evidence. The documents relied upon, and marked with exhibits, by the prosecution were:-

Ex.PA	-	Sealed site plan
Ex.PB	-	Opinion of the doctor with regard to fitness of injured Brijpal
Ex.PC	-	Application/request before doctor regarding recording of statement of injured Brijpal
Ex.PD	-	Opinion of the doctor with regard to

		injury suffered by injured Brijpal, which was dangerous to life
Ex.PE	-	Copy of Medico-Legal Report of Brijpal
Ex.PF	-	Copy of Medico-Legal Report of Mahipal
Ex.PG	-	Copy of Medico-Legal Report of Dalbir Singh
Ex.PH	-	Copy of Medico-Legal Report of Parkash Chand
Ex.PI	-	X-ray report of Mahipal
Ex.PJ	-	X-ray report of Parkash Chand
Ex.PK	-	X-ray report of Dalbir Singh
Ex.PL	-	Statement of complainant Mahipal
Ex.PL/1	-	Endorsement on Ex.PL
Ex.PM	-	Copy of DDR No.20
Ex.PN	-	Recovery memo
Ex.PO	-	Copy of FIR
Ex.PP	-	Copy of rough site plan

8. To provide support and corroboration to the above-mentioned documentary evidence, as many as twelve witnesses were examined by the prosecution. Those were:-

PW-1	-	Constable Veer Shakti Singh
PW-2	-	Subhash Chander, Record Keeper, PGIMS Rohtak
PW-3	-	Dr. M.D. Sharma
PW-4	-	Dr. Satish Kumar
PW-5	-	Dr. N.C. Gaba
PW-6	-	SI Balwan Singh
PW-7	-	Brij Pal
PW-8	-	Mahipal Singh
PW-9	-	MHC Balbir Singh
PW-10	-	Ved Bhushan, SA, GH Bhiwani
PW-11	-	ASI Pardeep Kumar
PW-12	-	ASI Roshan Lal

9. Once the prosecution evidence was recorded, the learned trial Court completed the essential formalities as enshrined under Section 313 CrPC. Thereafter, opportunity of defence evidence was afforded to the appellants. In their defence evidence, the appellants had examined as many as two witnesses. Those were:-

DW-1 - Dharamvir, Patwari
DW-2 - Kanwar Pal, Draftsman

10. Once the evidence of both the parties was complete, the learned trial Court gave an opportunity to the appellants as well as prosecution to address arguments, and thereafter, returned the judgment of conviction against the appellants.

11. Heard.

12. It has been contended on behalf of appellants that the impugned judgment of conviction and order of sentence deserve to be set aside, being the outcome of non-application of judicial mind. According to learned counsel for the appellants, the learned trial Court has failed to appreciate that the necessary ingredients meant for the commission of offence under Sections 323/325/307/34 of IPC were not established by the prosecution, as per the standard prescribed under the law. As per learned counsel for the appellants, merely, on the basis of conjectures and surmises as well as assumptions and presumptions, the learned trial Court held the appellants guilty.

13. However, during the course of arguments, the learned counsel for the appellants has contended that in the instant appeal, the appellants are

not inclined to challenge the finding of conviction recorded by the learned trial Court. The learned counsel for the appellants has categorically contended that at this stage, by virtue of present appeal, the appellants are challenging the order on the quantum of sentence only.

14. It has been further contended by learned counsel for the appellants that the incident had taken place way back in the year 1999. According to learned counsel for the appellants, the appellants are facing the agony of litigation for the last more than 26 years and have, in fact, already suffered more punishment than they deserved. It has further been submitted on behalf of appellants that the offence in question is the first offence committed by the appellants, and that after the offence, related to present case, the appellants have not been prosecuted for any other offence.

15. In addition to above, the learned counsel for the appellants has also contended that during the pendency of present appeal, appellant No.1-Umrao Singh passed away and the present appeal was abated qua him vide order dated 06.02.2019. The learned counsel for the appellants has also argued that in the present case, the appellants No.2-Satpal and appellant No.3 have already served a sentence for a period of more than 09 months and 08 months, respectively, and that by treating the above-discussed factors, the sentence already undergone by the appellants may be treated to be sufficient.

16. Moreover, it has also been contended by learned counsel for the appellants that during the pendency of present appeal, mutual compromise has been arrived at between the parties and that to prove the same, the

settlement agreement, dated 06.02.2019, has been placed on record, wherein both the parties have amicably settled their dispute before the learned Mediator.

17. *Per contra*, the learned State Counsel has argued that the appellants have been found guilty for the commission of offence punishable under Sections 307/323/34 IPC and merely on the basis of compromise between the parties, the appellants do not deserve a lenient view. According to learned State Counsel, the sentence awarded to the appellants, i.e. imprisonment for a period of seven years, is already on lower side, and that the appellants are not entitled for a sentence of imprisonment for a period of less than seven years. As per learned State Counsel, the instant appeal has no merit and deserves dismissal.

18. The record has been perused carefully.

19. Once it is a categorical stand of the appellants that they are not challenging the judgment of conviction, passed by the learned trial Court, it is hereby held that there is no scope for interference or indulgence in the findings recorded by the learned trial Court with regard to conviction of appellants for the offence under Sections 307/323/34 IPC. Accordingly, the abovementioned finding is hereby affirmed and qua the judgment of conviction instant appeal is hereby dismissed.

20. As far as the order on quantum of sentence is concerned, in view of the fact that the appellants No.2 and 3 are the first-time offender, and that after the present case, they have not been prosecuted by the police for any other case, and that the parties have reached at a compromise

between them, it is hereby held that the appellants are entitled for a lenient view.

21. In view of abovementioned observations, the sentence awarded to the appellants, i.e. imprisonment for a period of seven years, is held to be harsh, and it is hereby held that with regard to quantum of sentence, there is need for interference and indulgence of appellate jurisdiction of this Court.

22. Similar situation has been dealt with by this Court in the case of 'Daljit Singh & Anr. V/s State of Punjab & Ors.' CRA-S-358-SB-2016. In the abovementioned case, the appellants were convicted for the offence punishable under Sections 307, 324, 323 of IPC. However, during the course of appeal, when the parties entered into a compromise, the quantum of sentence was reduced to the period already undergone by the appellants.

23. Similarly in the case of 'Ishwar Singh V/s State of Madhya Pradesh' 2009(1) RCR (Criminal) 1, the Hon'ble Supreme Court of India observed that since the offence under Section 307 of IPC is not compoundable, in the background of settlement arrived at between the parties, the sentence can be reduced to the period already undergone by the appellants.

24. As a cumulative effect of abovementioned observations as well as relevant principles of law, it is hereby held that in the present case the appellants No.2 and 3 are entitled for a lenient view, and that the sentence, which they have already undergone in the present case, i.e. imprisonment for a period of 09 months and 08 months, respectively, is adequate to meet the ends of justice.

25. As a sequel to the aforesaid discussions, the present appeal is hereby ***partly allowed***. The judgment of conviction is upheld; but order on the point of quantum of sentence is modified, and the sentence awarded to the appellants No.2 and 3 is reduced to the period already undergone by them.

26. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

30.04.2026
Gaurav Thakur

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