

In the Court of Dr. Bhupender Kumar, (UID No. HR0685), Additional Sessions Judge, Rohtak.

HRRH010117782025



RBT Criminal Appeal No. 39 of 2025.
CIS CRA No.387 of 2025.
Date of Instt.: 15.12.2025/30.04.2026
Presented on : 15.12.2025
Registered on : 15.12.2025
Decided on : 21.07.2026

Satya Kumar Age: 47 Years Son of Shri Sube Singh resident of Village Bohar, District Rohtak.

..... Appellant-complainant.

Versus

1. Sona Devi wife of Umed Singh
2. Rohtash son of Umed Singh
3. Ravinder son of Umed Singh
4. Reena Devi wife of Ravinder
5. Sandeep son of Popan
6. Vikash son Nafe

All resident of VPO Bohar, Rohtak.

..... Respondents/Accused.

7. State of Haryana.

.....Performa-Respondent

Appeal against the impugned order dated 26.11.2025 passed by Ms. Nisha, the then, Learned Addl. Chief Judicial Magistrate, Rohtak in case FIR No.434 dated 7.10.2017 under Sections 148,149,323,325 & 506 IPC, P.S. Urban Estate, Rohtak in which the accused respondents No.1 to 6 have been released on on probation of good conduct for a period of six months.

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Present: Sh. Harish C.Sikri, Advocate for appellant/complainant.
Dr. Ranvir Singh Sheoran, Advocate for respondents-
accused.

JUDGMENT:

The present appeal has been preferred against the judgment of conviction and order dated 26.11.2025 passed by the learned Trial Court whereby the appellants were convicted for the offence punishable under Sections 148, 323, 325, 506 read with Section 149 of Indian Penal Code. However, instead of sentencing the appellants to undergo imprisonment, the learned Trial Court extended to them the benefit of the Probation of Offenders Act, 1958, and directed their release on probation of good conduct on furnishing the requisite bonds.

Excerpts from the Case:

2. Present case was registered on the complaint of complainant Satya Kumar S/o Sube Singh. He has stated through his complaint that he alongwith mother Roshni Devi was getting the work done from labourers in their plot, all of a sudden Umed S/o Dharam Singh, Sona Devi W/o Umed, Rohtash S/o Umed, Ravinder S/o Umed, Reena W/o Ravinder @ Minder, Umed's grandson and Popan's son have attacked upon them and threw their bricks and started beating them. He and his mother rescued themselves and moved a complaint in the police station. He next stated that earlier also, he has given application to police but no action was taken. He further stated that accused persons used to throw cow-dung and

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construction material on their plot. They have abused him and his mother and have also threatened to kill them. He has prayed for taking legal action against the accused persons.

Proceedings of the Case:

3. On this, FIR under Sections 148, 149, 323, 506 IPC was registered. Investigation was carried out by HC Parveen Kumar. During investigation, site plan was prepared and statements of witnesses were recorded. On 24.10.2017, accused Umed Singh S/o Dharam Singh, Sona Devi W/o Umed Singh, Rohtash S/o Umed Singh, Ravinder S/o Umed Singh, Reena Devi W/o Ravinder, Sandeep S/o Popan and Vikash son of Nafe were arrested. Thereafter, investigation was done by HC Manjeet Kumar. BHT of injured persons was obtained. On 19.12.2017, after obtaining opinion of doctor, Section 325 IPC was added. After completion of formalities of investigation, final challan was filed in the Court.

4. Copies of challan supplied to accused persons, free of cost, as envisaged under Section 207 Cr.P.C.

Framing of Charge:-

5. On finding prima-facie case, accused persons were charge-sheeted under Sections 148, 323, 325 and 506 read with Section 149 of IPC vide order dated 14.08.2018 passed by Sh. Harish Goyal, the then Ld. ACJM, Rohtak, to which, they pleaded not guilty and claimed trial.

6. During trial, accused Umed Singh expired and on verification of his death, proceedings against him were dropped being dead vide order dated 19.11.2025.

Statements of Prosecution Witnesses:

7. In order to prove its case against the accused persons, prosecution has examined nine witnesses in total.

8. Before appraisal of merits of case, a brief discussion about the evidence on record is desirable.

PW1 Dr. Harminder Singh, ASMO, Ortho, Department, GH, Rohtak has deposed that he has given treatment to patient Satya Kumar whose CR No. is 13037 and he was having fracture of base of right thumb. He has also given treatment to another injured Roshni whose CR No. is 13039.

PW2 Satya Kumar, complainant has deposed that on 18.09.2017, he and his mother were getting the work done in plot from labourers. All of a sudden, Rohtash S/o Umed Singh, Umed S/o Dharam Singh @ Dharma, Sona Devi W/o Umed Singh, Reena W/o Ravinder, Ravinder S/o Dharam Singh, Popan's son Sandeep and grandson of Umed have attacked upon them. They have thrown their bricks and beaten them. Thereafter, they have given an application to police station. One person came and called them at police station at 3:00 PM. At the same time, his mother Roshni Devi went to the plot for bringing some articles and when she did not come back, he went towards his plot and found that accused

persons were beating his mother and when he tried to rescue her, all of a sudden Umed' son Popan came with a danda in his hand and hit him with danda. Rohtash hit him with brick at his leg and he was also throwing brick on him. Reena W/o Ravinder put her dupatta in his neck and she started pressing his neck. Thereafter, Sona Devi, Umed, Popan's son, Geeta W/o Popan, Popan, grandson of Umed hit him with fist and blows. Rohtash hit a fist on the eye of his mother. Rohtash hit him with bricks and when he tried to save himself, he received injuries on his right thumb, due to which he got swelling on this thumb. When the passers-by started gathering there, they went to the police station. He next deposed that on the same day, they have attacked them twice and both times, they have moved application in the police station. He proved his complaint. Ex.PW2/A by identifying his signatures at Point-A of it. He next stated that his second complaint was not entertained by the police due to ASI Manjeet and both the applications were given on 18.09.2017 and another application Mark-A, receipt of which is Ex.P1 & Ex.P2, and Mark-B are of 06.10.2017 which was given to SP and the receipt of which is Ex.P3. He next stated that they have remained admitted in Civil Hospital. He identified the accused persons present before the Court.

PW3 Roshni W/o Sube Singh who is mother of complainant as well as one of the injured, has deposed in corroboration of her son i.e. PW2 complainant. She also identified the accused persons present before the Court.

PW4 ASI Parveen Kumar has deposed that on 07.10.2017, he was posted as IO in PS Urban Estate, Rohtak. On that day, he received the complaint of Satya S/o Sube Singh alongwith MLR of Roshni on which police proceedings Ex.PW4/A was done. Alongwith complaint Ex.PW2/A, rukka of Roshni and Satya Kumar was received. Thereafter, he reached at the spot and prepared site plan Ex.PW4/B on the demarcation of complainant. Thereafter, on 24.10.2017, he alongwith police officials joined the accused persons into investigation and arrested them. He next deposed that on 07.10.2017, he has recorded the statement of Roshni. He identified the accused persons present before the Court.

PW5 LASI Meenakshi has deposed that on on 24.10.2017, accused Sona Devi W/o Umed Singh and Reena W/o Ravinder were arrested and their arrest memos and jamatalashi memo were prepared. She identified the accused persons present before the Court.

PW6 Dr. Amandeep Kaur, MO at CHC Kiloj has tendered her duly sworn affidavit Ex.PW6/A in her evidence. She also proved rukka as Ex.PW6/B and MLRs as Ex.PW6/C & Ex.PW6/D. She next deposed that on 19.12.2017, after receiving treatment record, opinion regarding injuries Ex.PW6/E & Ex.PW6/F was given.

PW7 Vishawraj, MRO, GH, Rohtak has brought summoned record bearing CR No. 13037/2017 & CR No. 13039/2017 as Ex.PW7/A & Ex.PW7/B.

PW8 Dr. Neelam Hooda, Retired SMO has deposed that on 26.09.2017, she was posted as radiologist in Civil Hospital, Rohtak. On that day, x-ray of Satya Kumar S/o Sube Singh was conducted in her department and the report is Ex.PW8/A.

PW9 ASI Manjeet Kumar has deposed that on 19.11.2017, he was posted as IO in PS Urban Estate, Rohtak. On that day, he received the case file for further investigation. BHT of patient was received. Applications Ex.PW9/A & Ex.PW9/B were moved to doctor for taking opinion regarding injuries on which doctor has given his opinion and Section 325 IPC was added. On 12.01.2018, challan has been prepared by ESI/SHO Devender Singh. He identified the accused persons present before the Court.

9. Thereafter, Ld. APP vide his separate statement dated 19.11.2025 has closed the prosecution evidence on completion of list of witnesses.

Direct dialogue with accused:

10. Statements of accused persons under Section 313 Criminal Procedure Code were recorded, wherein they denied all the incriminatory evidence which was put against them and pleaded false implication and opted to lead evidence in defence. However no evidence in defence was led and same was closed by accused persons vide their joint separate statement.

Crux of finding of Learned Trial Court:

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11. After hearing the arguments advanced by both the parties and after perusal of the file, the learned trial Court released the respondents/accused No.1 to 6 on probation of good conduct for a period of six months vide order dated 26.11.2025 passed by learned trial Court, the present appeal was filed by the appellant/complainant. On being informed learned Public Prosecutor has appeared on behalf of State/respondent.

Arguments advanced by Learned Public Prosecutor for the State alongwith learned counsel for appellant/complainant:-

12. The Learned counsel for appellant submitted that the prosecution has successfully established the guilt of the respondents/accused by leading cogent and convincing evidence. It is next argued that there is no dispute regarding identity of accused persons as both the parties are known to each other. Complainant version is duly corroborated by another injured who is his mother and their deposition is duly supported with medical evidence placed on file. Investigating officer has duly proved his investigation part. Thus, in totality, case of prosecution is duly proved.

With these submissions, the appeal may kindly be accepted and order dated 26.11.2025 of the trial court may kindly be reversed/set aside and respondents/accused be awarded maximum sentence for the offences committed by them.

Arguments by Learned counsel for the respondents/accused.

13. On the other hand, Learned Counsel for the respondents/accused has opposed the submissions raised by Ld. Public Prosecutor for the State assisted by Learned Counsel for complainant and has argued that in the present case, accused persons have been falsely implicated by the prosecution. It is next argued that as per prosecution, the alleged incident is of 18.09.2017 and the present FIR was registered on 07.10.2017. So, this delay is nowhere explained by the prosecution and this makes the accused entitled for acquittal. Moreover, there are contradictions in the statement of complainant and his mother. It is next argued that in reality, a civil dispute was going on between the parties with regard to plot where the alleged incident has taken place and that was the reason of false implication of accused persons. He has further drawn the attention of the Court towards the fact that some of the accused were working and they were at their offices at the time of incident. In the end, it is argued that as per principle of criminal jurisprudence, case against the accused persons must be proved beyond all reasonable doubts and this is not so in the present case. Hence, prayed for maintaining the conviction order dated 26.11.2025 passed by Learned Trial Court against the respondents-accused in the present case.

14. I have carefully considered the arguments put forth by the learned counsel for the appellant/convict as well as the learned Public Prosecutor for the State. After a meticulous review of the entire case file, I

am fully informed on the matter and prepared to make a considered decision.

Finding:-

15. The findings of conviction recorded by the learned Trial Court are based upon proper appreciation of the evidence available on record and do not suffer from any illegality or perversity warranting interference by this Court. Accordingly, the conviction of the appellants is affirmed.

16. During the course of arguments, the learned counsel for the appellants submitted that the respondents/accused have tendered a joint affidavit stating that, with the intervention of respectable persons, the dispute has been amicably settled and that they undertake not to indulge in any quarrel with the complainant in future and to maintain peace and harmony. It was further submitted that in view of the said affidavit, the appellants do not press the appeal on merits and have no objection if the judgment of conviction is maintained. The learned counsel accordingly prayed that the affidavit be taken on record and the appellants be permitted to continue to avail the benefit already extended to them under the Probation of Offenders Act, 1958.

17. The joint affidavit sworn by Sona Devi wife of Umed Singh, Rohtash son of Umed Singh, Ravinder son of Umed Singh, Reena Devi wife of Ravinder, Sandeep son of Popan and Vikash son of Nafe, all residents of Village Bohar, District Rohtak, is taken on record. The

affidavit records that the dispute has been amicably settled with the intervention of respectable persons and contains an undertaking by the appellants that they shall not quarrel with the complainant in future and shall maintain peace and cordial relations.

18. During the course of hearing, the learned counsel for the appellants submitted a separate recorded statement that he has perused the affidavit dated 20.07.2026 placed on record by the respondents/accused persons. The complainant has amicably settled dispute in respect of the incident dated 18.09.2017, as the accused persons have tendered apology. However, it is requested that the conviction order dated 26.11.2025 passed by Ms. Nisha, the then, Learned Addl. Chief Judicial Magistrate, Rohtak be maintained.

19. The object of the Probation of Offenders Act, 1958, is to reform and rehabilitate offenders by affording them an opportunity to become law-abiding citizens instead of exposing them to the adverse effects of incarceration. The Act is founded on the principle that, in appropriate cases, the ends of justice are better served by reformation than by punishment. The benefit of probation is intended to encourage good conduct, promote rehabilitation and facilitate the reintegration of offenders into society, while at the same time ensuring that they remain accountable for their conduct.

20. In the present case, the learned Trial Court has already exercised its discretion in favour of the respondents by extending the

benefit of probation. The affidavit tendered before this Court further indicates that the respondents intend to maintain peace and abide by the law. However, the said affidavit or subsequent compromise does not furnish any ground to interfere with the well-reasoned judgment of conviction or with the order granting probation.

21. Consequently, no ground is made out for interference in the impugned judgment and order. The appeal is, therefore, dismissed. The judgment of conviction and the order releasing the respondents on probation of good conduct are hereby affirmed. The respondents shall continue to abide by all the terms and conditions of the probation bonds as directed by the learned Trial Court.

Trial Court record be sent back along with a copy of the judgment of this court. After compliance, appeal file be consigned to records.

Pronounced in open Court.
Dated:21.07.2026

(Dr. Bhupender Kumar),
Addl. Sessions Judge,
Rohtak (UID No.HR-0685)

Note: All the pages of this Judgment have been checked and signed by me.

S.Jain

(Dr. Bhupender Kumar)
Addl. Sessions Judge,
Rohtak. (UID No.HR-0685)