

IN THE COURT OF HARVINDER SINGH, ADDITIONAL SESSIONS
JUDGE, LUDHIANA.

Unique Identification Code No.PB-0283

CIS No. CRA/179/2025

CNR No.PBLD01-003279-2025

Date of Decision: 16.07.2026

1. Jagdev Singh son of Bachan Singh;
2. Kulwant Singh @ Noni son of Sinder Singh;
3. Hakam Singh son of Bachan Singh;
4. Balpreet Singh @ Kala son of Rai Singh;

all residents of Village Issru, P.S. Sadar Khanna, District Ludhiana.

Appellants

Versus

State of Punjab

Respondent

CRIMINAL APPEAL AGAINST THE JUDGMENT AND
ORDER DATED 21.01.2025 PASSED BY THE COURT
OF MS.MEHIMA BHULER, LD. JUDICIAL
MAGISTRATE IST CLASS, KHANNA IN CRIMINAL
CASE BEARING CIS NO.CHI/159/2019 UNDER
SECTIONS 323, 34 IPC.

Present: Appellants on bail.
Shri Ravi Sharma, Advocate for appellants Jagdev Singh
and Hakam Singh.
Ms.Jaspreet Kaur, Advocate for appellants Balpreet Singh
and Kulwant Singh.
Ms.Richa, Addl.P.P. for the State/respondent.
Sh.S.S. Aujla, Adv., counsel for the complainant.

JUDGMENT:

Jagdev Singh and others, aforesaid appellants have preferred the instant appeal against the Judgment of conviction and order of sentence dated 21.01.2025 rendered by Ms.Mehima Bhuler, Ld. Judicial Magistrate Ist Class, Khanna, vide which the appellants have been convicted and sentenced under Section 323/34 IPC to undergo rigorous imprisonment for ten (10) months, each.

2. Briefly stated, on 21.05.2019 a telephonic call received from MMHC that a MLR bearing No.AK/61/2019 of injured Shinderpal Kaur wife of Kamaljit Kaur and MLR No.AD/36/Khanna/2019 of injured Jagdev Singh son of Bachan Singh be taken from the police station for further proceedings, on which SI Baljinder Singh after receiving the abovesaid MLR alongwith other police officials went to Civil Hospital, Khanna for recording the statement of complainant Shinderpal Kaur. After obtaining the written opinion of the doctor, I.O. got recorded the statement of complainant Shinderpal Kaur, wherein she stated that there is a dispute of his family with accused Jagdev Singh, Kulwant Singh @ Noni, Hakam Singh sons of Bachan Singh and Balpreet Singh @ Kala, regarding wall and Baldev Kaur wife of Chhinder Singh moved a complaint for stopping construction of the wall at Police Post Issru. Thereafter a compromise was

effected between the parties. After compromising the matter, when her family members reached their house then at about 6:45 pm, Jagdev Singh came with his truck and parked the said truck over the dunk cakes, which were lying in front of her house, due to which the dunk cakes get destroyed. When his younger son Amritpal Singh asked accused Jagdev Singh as to why he had parked the truck over the dunk cakes, then Jagdev Singh took out a iron rod from his truck and called his brothers Hakam Singh, Noni and Kala at the spot and they started beating her son Amritpal Singh. In order to save himself, his son came inside the house. When her son entered into the house, all the abovesaid persons also entered the house. Out of them Jagdev Singh and Hakam Singh were armed with iron rod, Balpreet Singh @ Kala was armed with takua, Noni @ Kulwant Singh was armed with soti. When she came forward to save her son Amritpal Singh, then Jagdev Singh torn her shirt from neck and all of them insulted her. Thereafter Hakam Singh, who was armed with iron rod, gave a blow of the same, which hit on left side of her and she became unconscious. Her son raised roulla, on which the accused persons fled away from the spot.

3. On the appearance of the accused, the copies of documents were supplied to the accused free of costs, as envisaged under Section 207 of Cr.P.C.

4. Finding a prima facie case, the accused were charge sheeted under Sections 323, 354-B, 34 of IPC by the learned Trial Magistrate. However, the accused did not plead guilty and claimed trial.

5. In order to substantiate its version, the prosecution examined PW1 Amritpal Singh, PW2 Roshan Lal, PW3 Shinderpal Kaur, complainant, PW4 Iqbal Singh, PW5 Sarabjit Singh, Radiographer, PW5 (renumbered) SI Baljinder Singh, PW5 (renumbered) Dr.Ravinder Kaur and thereafter Learned APP for the State closed the prosecution evidence.

6. After closure of prosecution evidence, statements of accused under section 313 of the Code of Criminal Procedure were recorded, wherein all the incriminating evidence appearing against them were put to them, to which they denied the allegations leveled against them by the prosecution witnesses and pleaded their innocence and false implication.

7. However, accused did not lead any evidence in defence and only tendered some documents.

8. After hearing learned counsel for parties and perusing the record, learned trial court decided the complaint and acquitted the accused/appellants under section 354-B IPC and held them

guilty under Sections 323, 34 IPC and inflicted sentence, as enumerated above.

9. Aggrieved therefrom, the appellants have come up in appeal with a prayer to accept the same and to set aside the impugned judgment under appeal and that they be acquitted of the notice served upon them.

10. Upon notice, learned Addl.P.P. for the State and learned counsel for the complainant appeared and controverted the pleas and assertions of the appellants and a prayer for dismissal of the appeal has, thus, been made.

11. However, during the course of arguments, the appellants/accused suffered statement that they do not press the appeal on merits of case and they only pressed for quantum of sentence. They further stated that now no other case is pending against them and they have never been convicted in any other case and the family is totally dependent upon them. They prayed that lenient view may be taken in the matter of sentence.

12. In view of the statement suffered by the appellants/accused, the judgment of conviction is maintained and affirmed.

13. Section 4 of The Probation of Offenders Act, 1958 reads as under:-

4. Power of Court to release certain offenders on probation of good conduct:-

(1) When any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the Court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the Court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period not exceeding three years, as the Court may direct, and in the meantime to keep the peace and be of good behaviour: Provided that the Court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the Court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.

(2) Before making any order under sub-section (1), the Court shall take into consideration the report, if any, of the probation officer concerned in relation to the case.

(3) When an order under sub-section (1) is made, the Court may, if it is of opinion that in the interests of the offender and of the public it is expedient so to do, in addition pass a supervision order directing that the offender shall remain under the supervision of a probation officer named in the order during such period, not being less than one year, as may be specified therein, and may in such supervision order

impose such conditions as it deems necessary for the due supervision of the offender.

(4) The Court making a supervision order under sub-Section (3) shall require the offender, before he is released, to enter into a bond, with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants or any other matter as the Court may, having regard to the particular circumstances, consider fit to impose for preventing a repetition of the same offence or a commission of other offences by the offender.

(5) The Court making a supervision order under sub-section (3) shall explain to the offender the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to each of the offenders, the sureties, if any, and the probation officer concerned.

14. Having considered the facts and circumstances of the case, contentions made by Id. Counsel for the appellants and prayer made by the appellants, the court is of the view that the objective of the Probation Act would be served by granting probation rather than imposing a custodial sentence. Thus, the judgment of conviction is maintained and affirmed. However, the sentence awarded by the Id. Trial court is set aside and is ordered to be modified. The appellants/accused are admitted to benefit of probation of good behaviour and conduct under section 4 (1) of Probation of Offenders Act subject to following conditions:-

- a) That the appellants/accused shall furnish probation bonds in the sum of Rs.20,000/- each with one surety of the like amount for a period of one year before learned Area/Duty Magistrate within a period of 15 days from today;

- b) That the appellants/accused shall be of good behaviour and conduct during probation period and if they are found guilty of such like offence, they will be called in the Court to receive sentence in this case;
- c) That the appellants/accused shall pay costs of proceedings assessed at Rs.1000/-, each.
- d) If the appellants/accused failed to furnish probation bonds or to pay remaining part of costs within the time fixed by this court, their appeal shall stand dismissed automatically.

15. With such modification in sentence, the appeal is partly dismissed qua impugned judgment of conviction and partly allowed qua impugned order of sentence. Copy of this judgment be sent to learned Area/Trial Magistrate for immediate compliance. Learned Illaqa/Duty Magistrate is further directed to transmit the bail bonds/probation bonds to this Court, immediately. Lower court record alongwith copy of this judgment be sent back forthwith for necessary compliance. Appeal file be consigned to the record room.

Pronounced in open Court.
Dated: 16.07.2026

(Harvinder Singh)
Addl. Sessions Judge,
Ludhiana.
UID No.PB-0283

** This judgment contains 8 pages and each page is checked and signed by me.*
** Typed by Rajiv Kumar Stenographer Grade-I on direct dictation on computer.*