

In the Court of Ms. Simran Chalana,
Judicial Magistrate 1st Class, SBS Nagar.
UID No. PB0697

<u>CNR No. PBSB030056462024</u>		
<u>Case No. CHI/274/2024</u>		
Presented on	:	12.12.2024
Registered on	:	12.12.2024
Decided on	:	17.03.2026

IN THE COURT OF MS. SIMRAN CHALANA, JMIC, SBS NAGAR	
DATE OF JUDGEMENT: 17.03.2026	
CASE NO: CHI/274/2024	
COMPLAINANT	STATE OF PUNJAB
REPRESENTED BY	Ms. Amandeep Kaur, APP for the State.
ACCUSED	1. Sandeep Kumar @ Happy son of Jagir Singh, R/o Behram, District SBS Nagar 2. Gurpreet Singh @ Gopa aged about 29 years son of Jasvir Singh, R/o Behram, District SBS Nagar
REPRESENTED BY	Sh. Rajan Sareen Advocate

Date of Offence	16.09.2024
Date of FIR	19.09.2024
Date of Framing of Charges	22.01.2025
Date of commencement of evidence	11.07.2025
Date of the Judgment	17.03.2026

Accused Details

Rank of the accused	Name of Accused	Date of Arrest	Date of Release on bail	Offences charged with	Whether Acquitted or convicted	Sentence imposed
1	Sandeep Kumar alias Happy	14.10.2024	Granted the concession of interim Anticipatory bail vide order dated 11.10.2024 passed by the then Ld. ASJ-SBS Nagar which was later on made absolute vide order dated 22.10.2024 passed by Ld. ASJ-SBS Nagar. Admitted to bail before the trial Court vide order dated 12.12.2024 passed by the then Ld. JMIC SBS Nagar	Section 115(2), 118(1), 190 and 191 (3)	Convicted under Section 115(2) and Section 118 (1) read with Section 3(5) BNS, 2023	<u>Under Section 115 (2)</u> to undergo rigorous imprisonment for a period of 06 Months and a fine of Rs.500/-is imposed upon him. In the event of default of payment of fine to further undergo rigorous imprisonment for a period of 01 month. <u>Under Section 118 (1) read with Section 3(5)</u> to undergo rigorous imprisonment of 01 Year and a fine of Rs.1000/- is imposed upon him. In the event of default of payment of fine to further undergo rigorous imprisonment for a period of 02 months

2	Gurpreet Singh alias Gopa	14.10.2024	Granted the concession of interim Anticipatory bail vide order dated 11.10.2024 passed by the then Ld. ASJ-SBS Nagar which was later on made absolute vide order dated 22.10.2024 passed by Ld. ASJ-SBS Nagar. Admitted to bail before the trial Court vide order dated 12.12.2024 passed by the then Ld. JMIC SBS Nagar	Section 115(2), 118(1), 190 and 191 (3)	Convicted under Section 118(1) and Section 115 (2) read with Section 3(5) BNS, 2023	<u>Under Section 115 (2) read with Section 3(5)</u> to undergo rigorous imprisonment for a period of 06 Months and a fine of Rs.500/-is imposed upon him. In the event of default of payment of fine to further undergo rigorous imprisonment for a period of 01 month. <u>Under Section 118 (1)</u> to undergo rigorous imprisonment of 01 Year and a fine of Rs.1000/- is imposed upon him. In the event of default of payment of fine to further undergo rigorous imprisonment for a period of 02 months
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JUDGMENT

1. Above named accused Sandeep Kumar alias Happy and Gurpreet Singh alias Gopa have been sent by the police of Police Station Behram to face trial for the offences punishable under Section 115(2), 118(1) and 3 (5) of The Bhartiya Nyaya Sanhita, 2023. (hereinafter referred to as BNS, 2023)

2. Brief facts of the prosecution case are that on receiving information regarding the admission of Harpreet Singh, son of Gurcharan Singh in Civil Hospital Banga due to fight by MHC Sandeep Kumar on 16.09.2024, ASI Amrik Singh along with Constable Bikramjeet Sharma went to Civil Hospital Banga for recording the statement of injured and obtained the fitness certificate from the doctor regarding the fitness of the injured to make statement. Doctor declared the injured fit for making a statement, but injured Harpreet Singh made a statement that he will get his statement recorded on receiving the x-ray report of his injuries, on which ASI Amrik Singh along with MHC Jaskaran Singh and Constable Bikramjeet Sharma recorded the statement of injured Harpreet Singh on 19.09.2024 at Mahilpur Chowk, Behram, in which he has stated that he is an agriculturist. On 16.09.2024, he was going towards village Behram from his fields and when he reached near the field of Ex- Sarpanch Surjit Singh at about 9:50 AM, Jograj alias Joga son of Ranjit Singh armed with iron dat, Sandeep Kumar alias Happy son of Jagir Singh armed with iron Khanda, Gurpreet Singh alias Gopa son of Jasveer Singh armed with iron Khanda along with four unknown youngsters having Khandas in their hand came out from the sugarcane field all of a sudden, first of all Jograj alias Joga gave iron dat blow towards right side of his head and thereafter Sandeep Kumar alias Happy gave iron Khanda blow which hit below the knee of his right leg. Thereafter, Gurpreet Singh alias Gopa gave iron Khanda blow

which hit on the backside of his right thigh and an unknown person gave iron Khanda blow which hit on the right side of his hip- joint. He fell down, Jograj gave iron dat blow which hit on the backside of his left leg. Thereafter, another unknown person gave Khanda blow which hit on both of his shoulders. The other unknown person gave Khanda blow which hit in the middle of his back. When he tried to get up, Sandeep Kumar alias Happy gave iron Khanda blow which hit on the thigh of his right leg. He raised hue and cry. In the meantime, his Uncle Gurpreet Pal Singh son of Ajaib Singh resident of village Behram came there who got him admitted to Civil Hospital Banga after arranging a vehicle. He has also received some more light injuries on his person. The cause of dispute is that prior to it, an alteration took place between him and Jograj and said Jograj along with other persons caused injuries on his person due to the said grudge. The X-Ray report of his injuries has been received and as such, he has got recorded his statement. An action be taken. As per the copy of MLR bearing No. MLR/BK/17/CHC/Banga/2024, injured has received 11 injuries on his person out of which injury at No.10 was caused by means of sharp edged weapon and the other injuries were caused by means of blunt weapon and all the injuries were kept under observation after x-ray and after going through the x-ray report, offence under section 115(2) , 118(1), 191(3) and 190 of BNS was found to have been committed and Ruqa for registration of the case against Jograj and others was sent through Constable Bikramjeet Sharma on the basis of which a formal FIR was registered. Thereafter, Investigating officer ASI Amrik Singh along with other police officials went to the place of occurrence and prepared a rough site plan of the place of occurrence and recorded the statement of witnesses under section 180 of BNSS. Raids were conducted to arrest the accused. Sandeep Kumar alias Happy

son of Jagir Singh and Gurpreet Singh alias Gopa son of Jasveer Singh produced copy of order dated 14.10.2024 passed by the court of Additional Sessions Judge SBS Nagar, whereby they were released on anticipatory bail. The above-named accused Sandeep Kumar alias Happy and Gurpreet Singh alias Gopa were arrested in this case and released on bail as per the aforesaid order after joining them in the investigation. Accused Jograj alias Joga was not arrested despite conducting raids at various places. After completing the investigation and other formalities challan was presented against accused Gurpreet Singh alias Gopa and Sandeep Kumar alias Happy. The supplementary challan will be presented against accused Jograj alias Joga as and when he will be arrested. Accused Jograj alias Joga was declared proclaimed person vide order dated 29.09.2025, when he did not appear despite service through proclamation under section 84 of BNSS issued against him.

3. On appearance of accused Sandeep Kumar alias Happy and Gurpreet Singh @ Gopa, copies of report under Section 193 BNSS and documents relied upon by the prosecution were supplied to them free of cost in due compliance of Section 230 BNSS.

4. After hearing Ld. APP for State, Ld. counsel for accused and going through the report under section 193 BNSS and documents on the file, a formal charge for the offence punishable under Sections 115(2), 118(1), 191(3) and 190 of BNS, 2023 was framed against the accused persons on 22.01.2025 by the then Ld. JMIC, SBS Nagar to which the accused did not plead guilty and claimed trial.

5. In order to prove its case, prosecution examined the following witnesses:

RANK	NAME	NATURE OF EVIDENCE (Eye witness, police witness, official witness, Panch witness, medical witness etcetera)
PW-1	Harpreet Singh	Injured cum Complainant
PW-2	Gurpreet Pal Singh	Eye witness
PW-3	Dr. Baljinder Kumar	Medical Witness (To prove the MLR of injured Harpreet Singh)
PW-4	Constable Bikaramjeet Sharma	Police Witness (Recovery witness)
PW-5	Sh. Ashish Kumar	Other witness (Radiographer, who conducted the X-Ray of injured Harpreet Singh)
PW-6	ASI Amrik Singh	Police Witness (Investigating Officer)

thereafter, learned APP for the state closed the prosecution evidence by making a statement.

6. After closing the prosecution evidence, statement of accused under Section 313 Cr.P.C. was recorded in which they have denied all the incriminating evidence of prosecution put to them and pleaded their innocence. They have also pleaded that neither they were present at the spot nor they have committed any offence. They have been falsely roped in this case. However, they have not examined any witness in their defence and closed the same by suffering separate statements to this effect.

7. I have heard learned Assistant Public Prosecutor for the State, learned defence counsel and have also gone through the evidence and documents on the file.

8. Learned APP for the state while basing her arguments on the testimony of above-named witnesses has argued with stress that prosecution has proved the guilt of accused persons beyond all reasonable doubts. Accused Sandeep Kumar alias Happy and Gurpreet Singh alias Gopa in furtherance of the common intention of their co-accused Jograj Singh alias Joga (since declared proclaimed person) caused injuries on the person of complainant Harpreet Singh on 16.09.2024 by means of sharp edged and blunt weapon and the ocular version of complainant Harpreet Singh PW-1 and eye witness Gurpreet Pal Singh PW-2 regarding number, nature and seats of injury on the person of complainant Harpreet Singh is corroborated by medical evidence of Dr Baljinder Kumar PW-3 who has conducted the medico legal examination of injured/complainant Harpreet Singh on 16.09.2024. Injury No.10 caused on the person of injured Harpreet Singh by means of sharp weapon is attributed to accused Gurpreet Singh alias Gopa and injury number 3 and 8 are attributed to accused Sandeep Kumar alias Happy. All the injuries on the person of injured Harpreet Singh were declared simple in nature by the Dr Baljinder Kumar PW-3 after going through the x-ray report. Ashish Kumar radiographer PW-5 who has conducted the x-ray examination regarding the injuries on the person of injured Harpreet Singh has proved the x-ray films Ex.PW5/A. Investigating officer ASI Amrik Singh PW6, who has conducted the investigation in the present case has proved the application Ex.P1 moved by him before the doctor on duty at Civil Hospital Banga on 16.09.2024, the statement of injured Harpreet Singh Ex.P2 recorded by him, statement of Harpreet Singh Ex.PW1/A

recorded by him on 19.09.2024, Ruqa Ex.P3, FIR Ex. P4, endorsement regarding registration of FIR on Ruqa Ex.P5, rough site plan of the place of occurrence Ex. P6, arrest cum intimation memo of accused Gurpreet Singh alias Gopa and Sandeep Kumar alias Happy Ex.PW4/A and Ex.PW4/B respectively, their personal search memo Ex.PW4/C and Ex. PW4/D respectively, recovery memo Ex.PW4/E, whereby iron Khanda produced by accused Gurpreet Singh alias Gopa was taken into custody in the presence of constable Bikramjeet Sharma PW-4, recovery memo Ex.PW4/F whereby iron Khanda produced by accused Sandeep Kumar alias Happy was taken into custody in the presence of constable Bikramjeet Sharma PW-4. Rough sketch of the aforesaid Khandas Ex. P7 and Ex. P8, DDR No. 33 Ex. P9 whereby, offences under section 190 and 191 of BNS, 2023 were deleted and offence under section 3(5) of BNS, 2023 was added. There is nothing on the file to disbelieve the testimony of above said witnesses and therefore it is prayed that a verdict of guilt may kindly be passed against the accused.

9. On the other hand, learned counsel for the accused persons has argued with stress that prosecution has failed to bring home the guilt of the accused persons. There is a delay of three days in lodging the FIR, which has not been satisfactorily explained by the prosecution and the said delay in itself is sufficient to prove the false implication of the accused persons in the present case. It is further contended by him that the prosecution has not examined any independent witness to corroborate the testimony of injured Harpreet Singh PW-1 as Gurpreet Pal Singh PW-2 got examined by the prosecution is close relative of injured Harpreet Singh who is interested in the success of the case. Moreover, said Gurpreet Pal Singh has not witnessed the alleged occurrence and as such no reliance can be placed on his testimony. He has also argued that the injury number

10, which is a pinpoint incised wound cannot be caused by means of Khanda and as such it itself belies the prosecution case. He has further submitted that the bald statement of injured Harpreet Singh, which is not corroborated by the medical evidence of Dr Baljinder Kumar PW-3 is not sufficient to hold that the injuries on the person of Harpreet Singh (complainant) were caused by the accused in connivance with their co-accused Jograj Singh alias Joga by means of iron Khanda. Therefore, it is prayed that a benefit of doubt may kindly be given to the accused persons and they be acquitted of the charge framed against them.

10. From the above discussion, **following points are required to be determined:**

1. **Whether the delay of three days in lodging the FIR has not been satisfactory explained by the prosecution, if so, its effect?**
2. **Whether accused Sandeep Kumar alias Happy and Gurpreet Singh alias Gopa in furtherance of their common intention and the common intention of their co-accused Jograj alias Joga (since declared proclaimed person) have voluntarily caused hurt to complainant Harpreet Singh by means of sharp and blunt weapon on 16.09.2024 at about 9:50 AM in the area of village Behram?**
3. **Whether prosecution has been able to prove the guilt of accused beyond all reasonable doubts?**

Finding on Point of Determination No.1:-

11. Instant case was registered on the statement of complainant Harpreet Singh recorded by ASI Amrik Singh on 19.09.2024 at about 7:45 PM Ex. PW1/A in which he has stated that the alleged occurrence took place on 16.09.2024 at

about 9:50 AM near the field of Ex-Sarpanch Surjit Singh of village Behram, so there is a delay of three days in lodging the FIR. Injured Harpreet Singh was brought to the Civil Hospital Banga for medical treatment at 10:11 AM and he was medico-legally examined at 10:15 AM on 16.09.2024 itself as is apparent from of MLR Ex.PW3/A proved on record by Dr Baljinder Kumar PW-3. Intimation regarding the admission of injured Harpreet Singh in Civil Hospital Banga was given to the police station Behram by doctor immediately on 16.09.2024 itself and on receiving the said information, ASI Amrik Singh along with other police officials went to Civil Hospital Banga for recording the statement of injured on 16.09.2024 itself and after seeking the opinion of the doctor regarding the fitness of the injured to make statement by moving an application Ex.P1, he approached injured Harpreet Singh to record his statement on 16.09.2024, but Harpreet Singh in his statement dated 16.09.2024 Ex.P2 has stated that his quarrel took place with Jograj son of Jeet Ram resident of Behram and others and he will get his statement recorded after obtaining the x-ray reports proved on record by ASI Amrik Singh PW-6 as well as injured Harpreet Singh PW-1. The delay in lodging the FIR has been explained by injured/complainant Harpreet Singh in his statement on 16.09.2024 Ex. P2 itself as well as in his statement on oath, when he came into witness box as PW-1. Since complainant/injured Harpreet Singh has disclosed the name of assailant in his statement recorded on 16.09.2024 Ex.P2 itself, therefore it cannot be said that accused persons have been falsely implicated in this case by the complainant after concocting a false story due to non-recording of his detailed statement regarding the manner in which he has received the injuries from the hands of accused on 16.09.2024. It is correct that names of accused Sandeep Kumar alias Happy and Gurpreet Singh alias Gopa were not disclosed by the

injured Harpreet Singh in his statement Ex.P2 recorded on 16.09.2024 by ASI Amrik Singh, but in his said statement, he has categorically stated that quarrel took place with Jograj Singh and others. Admittedly, Jograj Singh is first cousin of accused Sandeep Kumar alias Happy and Gurpreet Singh alias Gopa. They have no-where suggested to complainant Harpreet Singh PW-1 any motive regarding their false implication in the present case.

12. In a case titled as **Kishan Singh (D) through LRs Vs. Gurpal Singh 2010(4) Criminal Court Cases 170 (SC)**, Hon'ble Supreme Court of India has held that delay in lodging the FIR ipso facto is not fatal to prosecution case when delay is properly explained. Deliberate delay is fatal.

13. The Honorable Supreme Court of India in another case titled as **Apren Joseph Vs. State of Kerala AIR 1973 SC 1** has held that normally, the court rejects the case of the prosecution in case of inordinate delay in lodging the First Information Report because of the possibility of concoction of evidence by the prosecution. However, if the delay is satisfactorily explained, the court will decide the matter on merits without giving much importance to such delay. The court is duty bound to determine whether the explanation afforded is plausible enough given the facts and circumstances of the case. The delay may be condoned if the complainant appears to be reliable and without any motive for implicating the accused falsely.

14. Hon'ble Punjab and Haryana High Court in **Jagmohan Sing Vs. State of Punjab 2010(2) Criminal Court Cases 365 (P&H)** has held that mere delay in lodging FIR, in itself, is not sufficient, to throw away the prosecution case. In that event Court is required to scrutinize the evidence of the prosecution, and, if it is found reliable and trustworthy, then the delay pales into insignificance.

15. Thus, in view of the ratio of the above said judgements as well as the evidence discussed above, it cannot be said that prosecution has failed to explain the delay in lodging the first information report satisfactorily. Hence, this point of determination is decided in favour of the prosecution and against the accused.

Finding on Point of Determination No.2 and 3:-

16. As per the statement of complainant Harpreet Singh Ex.PW1/A on the basis of which instant case was registered against the accused, when complainant reached near the field of Ex-Sarpanch Surjit Singh in the area of village Behram on 16.09.2024 at about 9:50 AM, accused Sandeep Kumar alias Happy son of Jagir Singh armed with iron Khanda, accused Gurpreet Singh alias Gopa son of Jasveer Singh armed with iron Khanda along with Jograj Singh alias Joga, son of Ranjit Singh and four other unknown persons armed with Khandas came from sugarcane field at once and accused Jograj Singh alias Joga gave iron dat blow after stopping him which hit on the right side of his head, accused Sandeep Kumar alias Happy gave iron Khanda blow which hit below his right knee. Accused Gurpreet Singh alias Gopa gave iron Khanda blow which hit on the backside of his right thigh and an unknown person gave iron Khanda blow which hit on the right side of his hip joint on which he fell down and Jograj Singh gave iron dat blow which hit on the backside of his left leg, whereas another unknown person gave Khanda blow which hit on both of his shoulders, the other unknown person gave Khanda blow which hit on his back and when he tried to get up, accused Sandeep Kumar alias Happy gave Khanda blow which hit on his right thigh. When Harpreet Singh came into the witness box as PW-1 during the trial of this case, he has stated on the same lines as stated by him in his statement Ex.PW1/A. His ocular version regarding the number, nature and seats of injury caused by the accused on his person is

corroborated by medical evidence of Dr Baljinder Kumar PW-3, who has conducted his medico-legal examination on 16.09.2024 at 10:15 AM and proved the copy of MLR Ex. PW3/A regarding injuries on his person. Dr Baljinder Kumar has found the following injuries on the person of Harpreet Singh injured:-

1. Laceration 1 cm x 1 cm inner side of lower lip, bleeding present. No injury over the teeth seen. Advised X-ray face
 2. Abrasion 5 cm x 2 cm posterior aspect left lower limb. Advised X-ray left lower limb.
 3. Laceration 1 cm x 0.2 cm with swelling around the injury of right lower limb lateral aspect. Advised X-ray right lower limb.
 4. Laceration 1 cm x 0.2 cm over right side frontal bone, bleeding present. Advised X-ray skull.
 5. Abrasion 10 cm x 2 cm above the left scapula. Advised X-ray left scapular region.
 6. Multiple bruises over the right scapular region. Advised X-ray right scapular.
 7. Bruise over the mid of the back. Advised X-ray L-S spine.
 8. Bruise over right thigh anterior aspect 8 cm x 5 cm. Advised X-ray right thigh.
 9. Bruise over the right buttock region 8 cm x 2 cm. Advised X-ray right buttock.
 10. Pinpoint incised 8 cm x 0.1 cm superficial posterior aspect of the right thigh, clotted blood present over it. Advised X-ray right thigh.
 11. Laceration over the nose 1 cm x 0.1 cm. Advised X-ray nasal bone.
17. As per opinion of the doctor, injury number 10 was caused by means of sharp-edged weapon, whereas the remaining injuries were caused by means of

blunt weapon and the probable duration of injury is within two hours. All the injuries were kept under observation by the doctor after X-ray and after going through the X-ray, all the injuries were declared simple in nature by Dr. Baljinder Kumar PW-3, as per his report, Ex.PW3/B.

18. Injury number 10, which is a pin point incised wound of 8 cm x 0.1 cm on posterior aspect of the right thigh is attributed to accused Gurpreet Singh alias Gopa, who has caused the said injury by means of sharp-edged weapon iron Khanda. The contention of the learned counsel for the accused that the said injury cannot be caused by means of Khanda has no weight as Khanda is a pointed weapon as is apparent from rough sketch of the Khanda Ex.P8 recovered from the possession of accused Gurpreet Singh alias Gopa vide recovery memo Ex.PW4/E proved on record by investigating officer ASI Amrik Singh PW-6 and recovery witness Constable Bikramjeet Sharma PW-4. No doubt injury number 3 and 8 which were laceration of 1 cm x 0.2 cm with swelling around the injury of right lower limb lateral aspect and bruise over the right thigh anterior aspect of 8 cm x 5 cm attributed to accused Sandeep Kumar alias happy were also allegedly caused by means of sharp edged weapon Khanda and the said injuries as per opinion of doctor were caused by means of blunt weapon, but it cannot be said that the said injuries could not be caused by means of Khanda as weapon Khanda, which was recovered from accused Sandeep Kumar alias Happy vide recovery memo Ex.PW4/F is a pointed edged weapon as per its rough sketch Ex.P7 prepared by ASI Amrik Singh PW-6 and if the injury was caused with said weapon by giving blow with its side, the injury would not be an incised wound. An incised wound injury with said weapon can only be caused if the blow was given with pointed edge of the said weapon.

19. It is correct that prosecution has not examined any independent witness to corroborate the testimony of injured Harpreet Singh PW-1 and Gurpreet Pal Singh got examined by the prosecution as PW-2 has stated in his cross-examination that he has not seen any accused or assailant causing any injury to Harpreet Singh, but the mere non-examination of any other eye-witness by the prosecution in itself is not sufficient to discard the testimony of injured Harpreet Singh PW-1, who has categorically explained each and every injury sustained by him from the hands of accused.

20. Hon'ble Delhi High Court while dealing with the aspect of reluctance of the public persons to join the police proceedings in **Jawahar v. State (2007)** **ILR 2 Delhi 146** has observed as under:-

"As far as non-association of public witnesses at the time of recovery is concerned, I consider that this is not an infirmity sufficient to throw out the case of the prosecution. It is very hard these days to get association of public witnesses in criminal investigation. Investigation itself is a tedious process and a public witness, who is associated, has to spend hours at the spot. Normally, nobody from public is prepared to suffer any inconvenience for the sake of society. The other reason for the public witness not readily agreeing to associate with investigation is harassment of public witness that takes place in the courts. Normally a public witness should be called once to depose in the court and his testimony should be recorded and he should be discharged. But experience shows that adjournments are given even in criminal cases on all excuses and if adjournments are not given, it is considered as a breach of the right of hearing of the accused. These

adjournments are specifically taken by counsels for accused persons, when witnesses are present, just to see that witnesses get harassed by calling them time and again. The excuses normally given in the courts are; the counsel having urgent personal work, left the court; death of some near relatives etc; the counsel being busy in arguing other matter in other court or cross examining other witness in some other court. This attitude of the courts of sending witness back is a major cause of harassment which discourages public from associating in the investigation of any case. Since the police is faced with this handicap, the police cannot be blamed for not associating public witness. There is no presumption that the police witnesses are not credible witnesses. The testimony of every witness, whether from public or police, has to be judged at its own merits and the court can believe or disbelieve a police witness considering the intrinsic value of his testimony. Police witnesses are equally good witnesses and equally bad witnesses as any other witness and the testimony of police witness cannot be rejected on the ground that they are official witnesses".

21. It is correct that neither the blood stained earth nor the blood stained clothes were taken into possession by the investigating officer, but the negligence on the part of investigating officer while conducting the investigation in itself does not cause any help to the accused as it would amount to playing into the hands of investigating officer. Hon'ble Supreme Court of India in **Amar Singh Vs. Balwinder Singh & Ors. 2003(1) RCR (Criminal) 701 (SC)**, has held that in case of defective investigation, the court has to be circumspect in evaluating the evidence, but it would not be right in equating an accused person solely on account

of the defect and to do so would tantamount to playing into the hands of the investigating officer if the investigation is designedly defective. In another case title as **C.Muniappan & others Versus State of Tamil Nadu AIR 2010 SC 3718**, the Hon'ble Supreme Court has held that the defect in the investigation by itself cannot be a ground for acquittal. In case of defective investigation there is a legal obligation on the part of the Court to examine the prosecution evidence de hors such lapses carefully to find out whether the said evidence is reliable or not and to what extent it is reliable and as to whether such lapses affected the object of finding out the truth. The conclusion of the trial in the case cannot be allowed to depend solely on the probity of investigation.

22. So, in view of the ratio of above said judgements, the non-handing over blood stained clothes to the police by the injured itself is not sufficient to create an adverse inference against the prosecution, especially when the investigating officer had not asked the injured to handover the blood stained clothes to him, as it is the duty of the investigating officer to collect the evidence during investigation to prove the allegations raised by the complainant against the accused in the court of law.

23. The injuries attributed to accused Sandeep Kumar alias Happy were declared simple in nature by the doctor after going through the X-ray and the said injuries were caused by means of blunt weapon, whereas the injury attributed to accused Gurpreet Singh alias Gopa was caused by means of sharp-edged weapon and the said injury was also declared simple in nature by the doctor after going through the X-ray report. The accused involved in this case are three in number as the unknown person who had allegedly caused injuries on the person of injured Harpreet Singh were not found during the investigation by the investigating officer

due to which offence under section 190 and 191 of BNS, 2023 was deleted by the investigating officer vide DDR No. 33 dated 22.11.2024 Ex. P9 proved on record by ASI Amrik Singh PW-6. So, no offence under section 190 and 191(3) of BNS, 2023 is made out against the accused persons.

24. Accused Sandeep Kumar alias Happy who has voluntarily caused simple hurt to complainant Harpreet Singh by means of blunt weapon has committed the offence punishable under section 115(2) of BNS and the injury attributed to his co-accused Gurpreet Singh alias Gopa which was caused by him on the person of complainant Harpreet Singh by means of sharp-edged weapon in connivance with accused Sandeep Kumar alias Happy, thus accused Sandeep Kumar alias Happy has also committed the offence punishable under section 118(1) read with section 3(5) of BNS, 2023.

25. Accused Gurpreet Singh alias Gopa who has voluntarily caused simple hurt to complainant Harpreet Singh by means of sharp edged weapon has committed the offence punishable under section 118(1) of BNS, 2023 and the injuries attributed to his co-accused Sandeep Kumar alias Happy which were caused by him on the person of complainant Harpreet Singh by means of blunt weapon in connivance with accused Gurpreet Singh alias Gopa, thus accused Gurpreet Singh alias Gopa has also committed the offence punishable under section 115(2) read with section 3(5) of BNS, 2023.

26. In view of my above discussion, prosecution has proved the guilt of accused under section 115(2), 118(1) and 3(5) of BNS, 2023 beyond a reasonable doubt and as such accused Sandeep Kumar alias Happy is convicted under section 115(2) and section 118(1) read with section 3(5) of BNS, whereas accused Gurpreet Singh alias Gopa is convicted under section 118(1) and section 115(2)

read with section 3(5) of BNS, 2023. Let convicts be taken into custody and heard on the question of sentence.

Pronounced:
Dated: 17.03.2026

(Simran Chalana)
JMIC, SBS NAGAR
UID No. PB0697.

Shweta Stenographer-II

(Directly dictated on Computer)

Question of sentence

Present: Ms. Amandeep Kaur, Ld. APP for the State

Convicts Sandeep Kumar alias Happy and Gurpreet Singh alias Gopa with counsel Sh. Rajan Sareen Advocate.

1. Convict Sandeep Kumar alias Happy has stated that he has liability of his old aged parents and there is no one except him in his family to look after them.

Therefore, a lenient view may kindly be taken while awarding sentence.

2. Convict Gurpreet Singh alias Gopa has stated that he has liability of his old aged parents and one brother and there is no one except him in his family to look after them. Therefore, a lenient view may kindly be taken while awarding sentence.

3. On the other hand, learned Assistant Public Prosecutor for the State has stated that keeping in view the nature of offence, maximum punishment may kindly be given to the convicts.

4. I have heard learned counsel for the convicts and learned Assistant Public Prosecutor for the State. The convicts have prayed for leniency citing the above reasons. Learned counsel for the accused has also prayed for releasing the accused on probation, but keeping in view the gravity of offence, the convicts are not entitled to get the benefit of releasing on probation and as such, they are sentenced to undergo imprisonment as under :-

Name of convicts	Under Section	Rigorous imprisonment	Fine	In default of payment of fine
Sandeep Kumar alias Happy	115 (2) BNS	06 months	500/-	01 month.
	118(1)/3(5) BNS	01 Year	1000/-	02 months

Gurpreet Singh alias Gopa	118(1) BNS	01 year	1000/-	02 months.
	115(2)/3(5) BNS	06 months	500	01 Month

5. All the sentences shall run concurrently. The period of detention of the convicts undergone by them if any during investigation and trial shall be set off against the substantive sentence of imprisonment imposed upon them. Accused Sandeep Kumar alias Happy and Gurpreet Singh alias Gopa are also directed to pay compensation to the tune of Rs. 10,000/- each to the complainant/injured Harpreet Singh. Case property be disposed off as per rules after the decision of appeal or revision if any. File be consigned to the record room.

Pronounced:

Dated: 17.03.2026

Shweta Stenographer-II

(Directly dictated on Computer)

(Simran Chalana)

JMIC, SBS NAGAR

UID No. PB0697.

State of Punjab Vs Sandeep Kumar alias Happy and another

Present: Ms. Amandeep Kaur, Ld. APP for State.
Accused Sandeep Kumar alias Happy and Gurpreet Singh alias Gopa
on bail represented by Sh. Rajan Sareen, Advocate

Accused closed their defence evidence by making statement.

Arguments heard. Vide my separate detailed judgment of even date,
accused Sandeep Kumar alias Happy and Gurpreet Singh alias Gopa are convicted
for the offence punishable under Sections 115(2) and 118(1) read with Section 3(5)
of BNS, 2023 and are sentenced to undergo imprisonment as under :

Name of convicts	Under Section	Rigorous imprisonment	Fine ()	In default of payment of fine
Sandeep Kumar alias Happy	115 (2) BNS	06 months	500/-	01 month.
	118(1)/3(5) BNS	01 Year	1000/-	02 months
Gurpreet Singh alias Gopa	118(1) BNS	01 year	1000/-	02 months.
	115(2)/3(5) BNS	06 months	500	01 Month

All the sentences shall run concurrently. The period of detention of the convicts undergone by them if any during investigation and trial shall be set off against the substantive sentence of imprisonment imposed upon them. Accused are also directed to pay compensation to the tune of Rs. 10,000/- each to the

complainant/injured Harpreet Singh. Case property be disposed off as per rules after the decision of appeal or revision if any. File be consigned to the record room.

Pronounced:
Dated: 17.03.2026

(Simran Chalana)
JMIC, SBS NAGAR
UID No. PB0697.

Shweta Stenographer-II
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