IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No. 3514 of 2013 (O&M)

223 Date of decision : 12.02.2015

Gurpreet Singh .....Petitioner

Versus

Gurpreet Singh and another ....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Raman Mohinder Sharma, Advocate
for the petitioner.

Mr. Vivek Rattan, Advocate
for respondent No. 1.

Mr. Gurinderjit Singh, DAG, Punjab

LISA GILL, J.

Petitioner – Gurpreet Singh has challenged grant of probation to respondent No. 1 – Gurpreet Singh son of Amarjit Singh by the learned Appellate Court vide judgment dated 26.07.2013. Respondent No. 1 was convicted and sentenced by the trial Court vide judgment dated 19.03.2012 to undergo rigorous imprisonment for six months for the offence punishable under Section 323 IPC and to undergo rigorous imprisonment for one year besides a fine of ₹ 2000/- for the offence punishable under Section 325 IPC and further rigorous imprisonment for one month in default of payment of fine.

Appeal was preferred by the accused before the learned appellate Court. It was urged that the accused was a first offender, a young person and having dependent wife, minor child, old and aged parents. He is sole bread winner of the family and there being a scope of reformation, lenient view be taken and he be extended

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the concession of probation. Learned appellate Court taking note of the fact that the injury attributed to the accused was on non-vital part i.e. little finger of the right hand caused with blunt weapon and the alleged motive for causing injury was not serious. Further, the accused had shown repentance by not challenging his conviction and, therefore, finding the possibility of reformation while upholding his conviction had extended the benefit of probation under Section 4 (1) of Probation of Offenders Act, 1958 for a period of one year.

Complainant Gurpreet Singh son of Ram Sarup has challenged extension of probation to the accused primarily on the ground that a specific injury had been caused on the person of the complainant. The prosecution case stood proved against him. Furthermore, it is not as if the accused had to face the agony of a protracted trial.

I have heard learned counsel for the parties and gone through the file.

Respondent No. 1 is alleged to have inflicted one injury on the complainant, that is on the little finger of his right hand. The other two injuries on his person were received on account of fall. It is not denied that respondent is a first offender and is not involved in any other case. Learned appellate Court has rightly extended the benefit of probation to him while noting that he has displayed penitence by not challenging his conviction. Possibility of reformation was well founded because it is informed that respondent No. 1 has successfully completed the period of probation as well.

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No illegality or infirmity has been pointed out in judgment dated 26.07.2013, which warrants interference by this Court.

Keeping in view the facts and circumstances of the case, this petition is dismissed.

February 12, 2015 (LISA GILL)
rts JUDGE

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