

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No. 2758 of 2015 in/&
CRR No. 275 of 2015 (O&M)**

Date of decision : 24.03.2015

Balbir Singh

....Petitioner

V/s

Sardari Lal & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Yogesh Goyal, Advocate for the petitioner.

RAJAN GUPTA J.

CRR No. 275 of 2015

Present revision petition has been filed against the order dated 20.07.2013 passed by Additional Sessions Judge, Ludhiana whereby he extended the benefit of probation to the convicts (respondents) and directed them to pay compensation of ₹7,000/- to complainant.

Learned counsel for the petitioner has assailed the order. According to him, in the facts and circumstances of case, concession of probation could not have been extended to the convicts. According to him, serious injuries were caused by the accused. Thus, order passed by appellate court deserves to be set-aside.

I have heard learned counsel for the petitioner.

Brief factual background of the case is that on 29.03.2001 at about 8.00 p.m. complainant (petitioner herein) was inside his house. At that time, accused Rakesh Kumar and Laxman Dass raised '*valkara*' and Sardari Lal exhorted other accused to teach the complainant a lesson. All the accused started assaulting

the complainant with sharp edged weapons. At this stage, brother of the complainant came and tried to save the complainant. On raising hue and cry, one Amarjit Singh came on the spot and all the accused fled away from the spot. He took the complainant to CMC Hospital. Thereafter, complainant informed the police about the occurrence. However, police did not take any action which necessitated him to file a complaint in the court of JMIC Ist, Class, Ludhiana. On consideration of entire evidence, trial court came to the conclusion that respondents were guilty of the offences alleged and convicted them for offences under sections 324 & 506 read with section 34 IPC. Under section 324 IPC they were sentenced to undergo imprisonment of one year and pay a fine of ₹1,000/-. In default of payment of fine to undergo further imprisonment of one month. On appeal being filed before the Additional Sessions Judge, he came to the conclusion that since the accused were not habitual offenders one opportunity deserves to be granted to them to mend their ways. He, thus, modified the sentence order and ordered the accused to be released on probation for a period of one years on their furnishing probation bonds in the sum of ₹10,000/- each. They were also asked to give an undertaking to keep peace and maintain good behavior during this period. Compensation of ₹7,000/- was granted to complainant Balbir Singh. Learned counsel for the petitioner has not been able to point out any infirmity with the order passed. In my considered view, there is no ground to interfere in revisional jurisdiction. Revision petition is without any merit and is hereby dismissed.

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As main revision petition has already been dismissed, no

order needs to be passed in this application.

March 24, 2015

Ajay

(RAJAN GUPTA)
JUDGE