

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

**CRR No.180 of 2014**

**Date of Decision: July 04, 2016**

Satnam Singh

...Petitioner

Versus

Dhayan Singh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Sandeep Dhull, Advocate  
for the petitioner.

Mr. Parminder Singh, Advocate  
for respondent No.2.

**FATEH DEEP SINGH, J.**

This is a criminal revision petition preferred by complainant-Satnam Singh impugning order of learned 1<sup>st</sup> Appellate Court of Additional Sessions Judge, Jind, whereby, his appeal was dismissed vide judgment dated 24.9.2013 upholding the findings of the Court of learned SDJM, Safidon, Jind, whereby, while trying accused Dhayan Singh and Khushwinder in case bearing FIR No.268 dated 22.7.2009 under Sections 323,325,506 34 IPC, Police Station Safidon the learned trial Magistrate though has convicted both the accused for commission of offences under Sections 323,325,506,34 IPC vide judgment dated 23.7.2012, however, ordered the release of the convicts on probation. The learned 1<sup>st</sup> Appellate

Court had upheld the findings holding that there was judicious exercise of powers by the Court below. Still aggrieved, the complainant has finally challenged the same in this revision.

Heard, learned counsel for the parties. Since the factum of conviction has not been assailed and the only bone of contention so raised by the learned counsel for the petitioner is as to the exercise of powers under Section 360 Cr.P.C. and release of the convicts on probation. Admittedly, accused were convicted for commission of offences under Sections 323,325,506, 34 IPC which are all bailable and are not heinous in nature. The very genesis of the occurrence and the motive between the two sides, who are co-villagers and accused Dhayan Singh is real brother of the complainant- Satnam Singh, whereas, accused Khushwinder, happens to be the nephew and had fought over the fact that complainant in his part of the plot had sown vegetables and the animals of the Dhayan Singh had entered in the plot leading to this fight between them. Accepted as per the submissions, only a single injury has been caused and which too is simple cut and not of any serious consequence. The provisions of law have been enacted with a definite motive and purpose and since there is no history of previous enmity between the parties, who are closely related by blood and the accused do not have any previous history of criminal activity, thus, to the mind of this Court the learned trial Magistrate has rightly exercised his powers under Section 360 Cr.P.C. which are more by way of ensuring that first time offenders do not wander away from the path of rectitude and is commensurate with the 'Reformative Theory' of criminal jurisprudence. The accused are father and sons and, thus, the entire family has been booked and

sending them to jail would have its own repercussions on the family. Learned counsel for the petitioner could not by any means convince this Court how there has been misuse of the exercise of these powers by the Court below and, thus, failed to highlight even a single point as to the very illegality or perversity in these findings. Even the learned 1<sup>st</sup> Appellate Court has rightly commented by holding that trial Court has rightly exercised his discretion in releasing the accused on probation.

In view of the above concurrent findings, the present revision petition being hopelessly without any merit stands dismissed.

**(FATEH DEEP SINGH)**  
**JUDGE**

**July 04, 2016**  
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