

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

**CRR No.1832 of 2015(O&M)
Date of Decision :26.09.2016**

Harjit Singh

.....Petitioner

Versus

State of Punjab & Others

.....Respondents

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. Surinder Sharma, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Ashok Kumar Bazaz, Advocate
for respondent Nos. 2 to 4.

JITENDRA CHAUHAN, J. (ORAL)

CRM-16651-2015

For the reasons mentioned in the application which is supported by an affidavit, the delay of 02 days in filing the revision petition is condoned and the application is allowed.

CRR No.1832 of 2015

This revision is directed against the order dated 10.02.2015, passed by Additional Sessions Judge, Jalandhar vide which respondent Nos.2 to 4 were released on probation on their furnishing probation bonds in the sum of Rs.20,000/- with one surety each in the like amount and were directed to keep peace for a period of one year from the date of passing of the order. Further, respondent Nos. 2 to 4 were burdened with compensation of Rs.12,000/- i.e. Rs.4000/- each to be paid to injured, Harjit Singh.

It is contended by the learned counsel for the complainant-petitioner that the Court below fell in error in releasing respondent Nos.2 to 4 on probation. It is further, contended that respondent Nos.2 to 4 were convicted under Sections 452 and 323 IPC by the trial Court, however, before the learned lower appellate Court, respondent Nos.2 to 4 did not challenge their conviction and in the matter of sentence, they were released on probation. The order releasing them on probation is bad in law because respondent Nos.2 to 4 had also committed the offence punishable under Section 452 IPC which entails imprisonment for seven years and fine.

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

This Court finds that the order releasing respondent Nos.2 to 4 on probation was passed on 10.02.2015. Respondent Nos.2 to 4 were released on probation for a period of one year and the period of one year has since expired on February 10, 2016. Since the period has already expired, this Court feels that it will not be in the interest of justice to interfere in the order at this stage. Otherwise also, the order has been passed by the learned lower appellate Court while taking into consideration the fact that respondent Nos.2 to 4 are from one family, they are first offenders and the injuries caused to the complainant were simple in nature. This Court feels that the learned lower appellate Court has rightly extended the benefit of probation to respondent Nos.

2 to 4 to reform themselves. Apart from this, the learned first appellate Court has granted adequate compensation to the tune of Rs.12,000/- to the injured. No ground for interference is made out. Consequently the present revision petition is dismissed.

26.09.2016.

(JITENDRA CHAUHAN)

SN

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable : Yes/No