

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

CRR No.3797 of 2014(O&M)

Date of Decision:28.09.2016.

Jaswinder Singh & Others

.....Petitioners

Versus

State of Haryana & another

.....Respondents

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. Narender Pal Bhardwaj, Advocate
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Amit Kashyap, Advocate for
Mr. Rajinder Goyal, Advocate
for respondent No.2.

JITENDRA CHAUHAN, J.

This revision is directed against the judgment dated 18.01.2012 and order 19.01.2012, passed by Sub-Divisional Judicial Magistrate, Guhla vide which the petitioners were convicted under Sections 323 and 452 IPC read with Section 34 of IPC; and the judgment dated 11.11.2014, passed by Additional Sessions Judge, Kaithal, vide which the appeal filed by the petitioners was dismissed.

At the outset, the learned counsel for the petitioners states that he does not challenge the judgment of conviction. He prays for taking a lenient view in the matter of sentence. It is further contended

that Rana, petitioner No.2 is aged 25 years, he is not involved in any other case and his career is at stake, therefore, he be released on probation.

Though, the judgment of conviction is not challenged before this Court, still this Court has re-scanned the evidence. This Court finds no infirmity or perversity in the impugned judgments calling for interference by this Court. Mangat Ram, complainant while appearing as CW-1 has fully proved the case of the prosecution. The factum of injuries having been caused at the hands of the petitioners is proved on record. The accused trespassed into the house of the complainant and caused him injuries. The version given by the complainant is re-stated by Parmanand, CW-2, the eye witness/injured. There is another testimony of Rajinder son of Sita Ram, who while appearing as CW-4 has fully corroborated the testimony of the complainant. Dr. Devinder Kumar, Medical Officer, General Hospital Narwana, CW-5 proved the Medico Legal Report. There being sufficient evidence on record inculcating the petitioners, this Court upholds the judgments of conviction passed by the Courts below.

Now, reverting to the quantum of sentence, it is submitted by the learned counsel that petitioners, Jaswinder Singh and Gurnam Singh have undergone sentence of one month and fourteen days out of the substantive sentence of six months under Sections 323 and 452 IPC. They have been facing the agony of protracted criminal proceedings since 2002. Neither they are previous convicts nor are they

involved in any other case. They are the only bread earners of their respective families.

On behalf of petitioner, Rana, it is submitted that he is a young boy of 25 years of age, he is not involved in any other case, if his conviction is upheld, his career will suffer a lot.

Keeping in view the fact that the petitioners have been facing the agony of criminal proceedings since 2002, they are not involved in any other case, the sentence of petitioners, Jaswinder Singh and Gurnam Singh is reduced from six month to the period already undergone by them subject to payment of Rs.35,000/- each to be paid to the complainant within a period of three months from today.

In case the aforesaid amount is not deposited within the stipulated period, the present revision petition shall be deemed to be dismissed without any further notice.

So far as the case of petitioner-Rana is concerned, this Court feels that it will be in the interest of justice, if instead of sentencing him, he is released on probation. Let he be given a chance to reform himself. If he is sent behind the bars, there are chances that he may get in contact with hard core criminals. Accordingly, petitioner-Rana is ordered to be released on probation on his furnishing probation bonds in the sum of Rs.50,000/-. He is directed to keep peace for a period of one year and not to indulge in any illegal activity.

In case of breach of the terms of probation order, he shall undergo the original sentence as awarded by the trial Court.

The present revision petition is disposed of in the manner indicated above.

28.09.2016.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether reasoned/speaking ; Yes/No
Whether reportable : Yes/No