

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

CRR No.4761 of 2015

Date of Decision: February 12, 2016

Jaspal Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. M.S. Sidhu, Advocate
for the petitioners.

Mr. J.S. Brar, AAG, Punjab.

FATEH DEEP SINGH, J.

The present revision petition, though, is against the dismissal of appeal of the revisionists, whereby, the Court of learned Sessions Judge, Amritsar through impugned finding dated 23.11.2015 dismissed the appeal of the appellants Jaspal Singh, Manpreet Singh @ Sahib Singh, Gurpreet Singh @ Ladi and Chanan Singh, however, reducing the sentence of imprisonment from two and a half years to two years and, thus, upholding the judgment of conviction dated 25.02.2015 passed by the learned Judicial Magistrate, 1st Class, Amritsar holding convict Jaspal Singh guilty for commission of offence under Section 324 IPC and remaining accused under Sections 324 read with Section 34 IPC.

In the light of stand of the revisionists vide order dated 9.12.2015 this Court has issued notice of motion only regarding quantum of sentence and that is how this revision is confined to this aspect only.

Appreciating the contentions as has been squarely conceded at bar by the State that the conviction is only for commission of offence under Section 324 and out of which sentence the revisionists have already undergone more than 03 months and 5 days, thus, a considerable portion of this sentence of imprisonment together with the fact that the petitioners have been facing the trial for almost 06 years after registration of FIR No.382 dated 14.09.2007 with Police Station Sadar, Amritsar. Both the Courts below have failed to consider in the true sense the purpose and ambit of the provisions of Section 360 Cr.P.C. which are for the cause of justice and for its advancement. It is admitted even on behalf of the State and the contentions of the counsel for the revisionists that the revisionists are first offenders and there is no previous enmity between them and the fact that the revisionists are from the same very locality and it is a case of sudden fight, thus, sending the petitioners to prison would further sow the seeds of enmity and hatred and would lead to tension and turmoil which would affect the peace and tranquility in the area and between the parties and, thus, the Court to mitigate the same together with the very purpose of these beneficial provisions so as to ensure that such like first offenders do not embrace the crime as their occupation and, therefore, it would sub-serve the ends of justice, if the petitioners in view of these circumstances are allowed benefit of probation in terms of Section 360 Cr.P.C.

Petitioners are allowed probation operative for the period of one year subject to their furnishing probation bond in the sum of ₹25000/- each with one surety of like amount and subject to condition that they shall appear and receive the sentence as when called upon to do so during the period of next one year and in the meantime shall keep peace and shall not repeat offence.

With these observations the present revision petition

stands allowed in those terms.

(FATEH DEEP SINGH)
JUDGE

February 12, 2016
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