

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

**CRR No.1787 of 2014 (O&M)
Decided on: 01.09.2017**

Gaje Singh and another

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Raj Kapoor Malik, Advocate
for the petitioners.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. G.S. Verma, Advocate
for respondents No.2 to 5.

ARVIND SINGH SANGWAN, J. (Oral)

The present revision petition has been filed by the complainant challenging the order dated 21.03.2014 passed by the Appellate Court whereby the judgment of conviction dated 19.03.2012 was upheld but the order dated 21.03.2012 passed by the trial Court vide which rigorous imprisonment for a period of 02 years was awarded has been modified and the respondents/accused have been released on probation for a period of 01 year.

Counsel for the petitioner restricts his argument with regard to the compensation which has not been granted by the Appellate Court while releasing the respondents/accused on probation. It is submitted that it has come in evidence that the following injuries were sustained by the injured – Gaje Singh:-

- 1. Penetrating wound 1.0 x 0.3 cm. on lateral aspect of right arm. Fresh bleeding was present. Deformity was present.*

X-rays and ortho surgeon's opinion was advised.

2. Incised wound 3 x 0.5 cm on palmer aspect of right hand between thumb and index finger. X-ray was advised.

3. Penetrating wound 1.0 x 0.3 cm on the front of middle of left leg. Swelling was present. X-rays and ortho surgeon's opinion was advised.

4. Defused swelling in right knee. X-ray was advised.

Whereas, the following injuries were sustained by the injured – Mangat Ram:-

1. First incisor of left lower jaw is missing. Clotted blood was present in the socket. Dental Surgeon's opinion was advised.

2. Liner abrasion 5 cm with lacerated wound of 05 x 0.3 cm on posterio lateral aspect of left arm.

3. Red contusion 6 x 2 cm on antero lateral aspect of left thigh.

Counsel for the petitioner has submitted that the injuries sustained by Gaje Singh and Mangat Ram has been duly proved by PW4 – Dr. Om Parkash as per the MLR Exs.PW4/A and PW4/B. It has further been submitted that the petitioner – Gaje Singh has suffered a fracture on his right arm and one teeth of Mangat Ram was broken. Counsel for the petitioner has relied upon the judgment passed by this Court in **CRR No.3986 of 2014** titled as ***Charan Singh vs State of Haryana and others*** decided on 07.12.2016 wherein in identical circumstances, this Court has granted compensation to the injured persons. It is, thus, submitted that the respondents/accused be directed to pay compensation to the petitioners/injured.

On the other hand, counsel for the complainant has submitted that period of probation has already been over and the

respondents/accused have never misused the aforesaid concession.

After hearing counsel for the parties, I find that the Appellate Court while releasing the respondents/accused on probation should have awarded some reasonable compensation.

Considering the above facts and circumstances and in the light of judgment “*K.A. Abbas H.S.A. Vs Sabu Joseph and another*”, 2010(6) SCC 230, the present revision petition is partly allowed and the respondents/accused are directed to pay compensation of **Rs.50,000/- each** in equal share to the complainant/petitioners namely Gaje Singh and Mangat Ram within a period of 02 months from the date of receipt of certified copy of this order failing which the petitioners will be at liberty to revive the present petition.

(ARVIND SINGH SANGWAN)
JUDGE

01.09.2017
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No