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

CRR No.2477 of 2015.

DATE OF DECISION: 22.11.2017.

Satya Parkash

....Petitioner.

Versus

Hardev and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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

Ms. Neelam Kashyap, Deputy Advocate General, Haryana.

SHEKHER DHAWAN, J.

The present revision petition by the complainant under Section 401 Cr.P.C. is directed against the judgment dated 02.03.2015 passed by learned Additional Sessions Judge, Palwal, vide which the appeal preferred by accused (respondents No.1 and 2 herein), against the judgment of conviction dated 29.11.2013 passed by learned Additional Chief Judicial Magistrate, Palwal, was dismissed, with modification in the order of sentence dated 30.11.2013, thereby ordering the accused (respondents No.1 and 2 herein) to be released on probation of good conduct on their furnishing bonds in the sum of Rs.25,000/- with one surety each in the like amount for a period of six months with further directions to keep peace and be of good behaviour during the said period, failing which they were directed to make themselves available to receive the sentence

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as and when called upon. The respondents No.1 and 2 were further directed to pay a sum of Rs.15000/- each (total Rs.30,000/-) as compensation to the injured, out of which Rs. 15,000/- were ordered to be paid to injured Ramkali and remaining amount to be shared equally by the remaining two injured namely Vidya and Satya Parkash.

2. The accused-respondents No.1 and 2 were held guilty by learned trial Court and were convicted and sentenced as under:-

Name	Under Section	Sentence	In default
1. Hardev 2. Ashok	323 read with Section 34 IPC	to undergo rigorous imprisonment for one year each.	--
	325 read with Section 34 IPC	to undergo rigorous imprisonment for one year each and to pay a fine of `500/-.	to further undergo imprisonment for six months each.

3. Learned counsel for the petitioner submitted that the injured in this case had sustained grievous injuries and the order passed by learned Additional Sessions Judge thereby releasing respondents No.1 and 2 on probation deserves to be set-aside and the judgment of conviction and order of sentence passed by the trial Court is liable to be upheld by this Court.

4. Having considered the submissions made by learned counsel for the petitioner and appraisal of the facts of this case, this Court is of the considered view that learned Additional Sessions Judge while deciding the appeal filed by the convicts (respondents No.1 and 2) had taken into consideration the facts that they were not previous convicts and in case they are released on probation, that shall be affording an opportunity to the parties to live peacefully. Accordingly, the appeals against judgment of conviction were dismissed. However, the order of sentence was modified to the effect that the accused persons were ordered to be released on

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probation of good conduct on their furnishing bonds in the sum of Rs.25,000/- with one surety each in the like amount for a period of six months with further directions to keep peace and be of good behaviour during the said period, failing which they were directed to make themselves available to receive the sentence as and when called upon. The respondents No.1 and 2 were further directed to pay a sum of Rs.15000/- each (total Rs.30,000/) as compensation to the injured, out of which Rs. 15,000/- were ordered to be paid to injured Ramkali and remaining amount to be shared equally by the remaining two injured namely Vidya and Satya Parkash.

5. There is absolutely no illegality in the order passed by learned Additional Sessions Judge because the offences alleged against the accused and conviction having been recorded is under Sections 323 and 325 IPC. As per view taken by Hon`ble Supreme Court in **Hari Kishan and States of Haryana Vs. Sukhbir Singh, 1988(2) R.C.R. (Criminal) 394** and by this Court in **State of Punjab Vs. Kuldeep Singh and others, 2007(2) R.C.R. (Criminal) 670** and **Ram Kumar Vs. State of Haryana, 2000 (1) R.C.R. (Criminal) 771**, accused persons involved in such like cases, who are not previous convicts and not habitual offenders, can be extended the benefit of probation under the Act. Learned first Appellate Court had rightly decided the appeal while modifying the order of sentence and passed order of release of the accused-persons on probation on furnishing probation bonds in the sum of Rs.25,000/- with one surety each in the like amount besides allowing compensation in favour of the injured of this case. There is absolutely no infirmity in the well reasoned judgment of learned Additional Sessions Judge and the present revision petition is **without any merit.**

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6. Resultantly, the present revision petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

22.11.2017.

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Whether Speaking/reasoned	:	Yes
Whether Reportable	:	Yes