

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

CRR No. 3321 of 2014 (O&M)

Date of Decision: 17.04.2017.

Mohd. Ilyas

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Sunny K. Singla, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.

Mr. R.K. Bansal, Advocate and
Mr. D.S. Malwai, Advocate,
for respondent Nos.2 & 3.

JITENDRA CHAUHAN.J.

This revision is directed against the judgment dated 28.08.2014 passed by Additional Sessions Judge, Sangrur vide which respondent Nos. 2 & 3 were released on probation under the Probation of Offenders Act on furnishing a probation bond in the sum of Rs. 50,000/- with one surety in the like amount for a period of 3 years and were directed to keep peace and be of good behaviour and to appear as and when called by the Court. Further respondent Nos. 2 and 3 were directed to deposit Rs.50,000/- each with the trial court which were to be paid to the complainant as compensation.

FIR No.259 was registered against respondent Nos. 2

& 3 on 08.11.2003 at Police Station Malerkotla for commission of the offence punishable under Sections 323 and 325 read with Section 34 IPC for voluntary causing simple as well as grievous hurt to petitioner Mohd. Ilyas and his wife Shehnaz in furtherance of their common intention.

After conclusion of trial, the learned trial Court convicted respondent Nos. 2 & 3 and sentenced them to undergo RI for three years.

On appeal filed by respondent Nos. 2 & 3, the learned lower Appellate Court released respondent Nos. 2 & 3 on probation of good conduct.

It is contended that the lower appellate Court fell in error in releasing respondent Nos. 2 & 3 on probation. The petitioner and his wife suffered three injuries each at the hands of respondent Nos. 2 & 3. Keeping in view the seriousness of the injuries, the order of probation ought not to have been passed.

Heard.

The lower Appellate Court while granting the benefit of probation to respondent Nos. 2 & 3 observed that they have suffered a long and protracted trial for more than 10 years, the concession of bail was never misused by them and they were not involved in any other criminal case. Further, a sum of rupees one lac was ordered to be paid to the complainant. This Court finds no illegality or irregularity in the

impugned judgment. Consequently, the petition is dismissed.

17.04.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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