

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

**CRR-2796-2016 (O&M)
Date of Decision : 10.01.2017**

Sukhwinder Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Madan Sandhu, Advocate for the petitioner.

JITENDRA CHAUHAN, J.

The petitioner is aggrieved by impugned judgment dated 01.07.2016, passed by learned Additional Sessions Judge, Mansa, (for short, 'the appellate Court') whereby, respondent Nos.2 and 3, were ordered to be released on probation of good conduct for a period of one year on their furnishing probation bonds in the sum of Rs.50,000/- with one surety in the like amount each, and to pay Rs.3,000/- each as costs of litigation with the condition that they would keep peace and maintain good behaviour during the aforesaid period. Earlier, learned Judicial Magistrate, 1st Class, Mansa, vide judgment and order dated 22.01.2015, convicted and sentenced accused-respondent Nos.2 and 3 as under:-

Name of convict	Conviction under Section	Sentence of imprisonment	<i>Fine</i>	<i>In default</i>
Amrik Singh	324 IPC	Six months	Rs.1,500/-	15 days
	452 IPC	Six months	Rs.1,500/-	15 days
Angrej Singh	324/34 IPC	Six months		
	452 IPC	Six months	Rs.1,500/-	15 days

However, all the sentences were ordered to run concurrently.

Feeling aggrieved, accused-respondent Nos.2 and 3, preferred an appeal before learned appellate Court, which has passed impugned order dated 01.07.2016, and ordered the release of accused-respondents, on probation.

Hence the present revision petition by the complainant.

It is contended that the accused-respondents have been convicted for causing grievous injury to the complainant, therefore, the relief of probation ought not have been extended to them. It is further averred that both the accused-respondents after entering into the house of the petitioner-complainant inflicted injury on his person. Accused-respondent Amrik Singh, has been attributed *gandasa* injury on the skull of the complainant, whereas, Angrej Singh was armed with *soti*. Furthermore, the accused did not challenge the judgment of conviction before the learned appellate Court, which amounts to admission of the offence. However, the learned appellate Court fell into error while

modifying the order of sentence thereby releasing the accused on probation.

Heard.

From the perusal of the impugned judgment, it emerges that the accused are first offenders. Accused-respondent Amrik Singh is 40 years of age, whereas, accused-respondent Angrej Singh @ Kala is a young man of 24 years. They have already suffered protracted trial for more than five years. Learned counsel for the complainant-petitioner has failed to indicate any circumstance showing that the respondents have ever misused the concession of probation.

In the considered opinion of this Court, the learned appellate Court, after considering all the relevant facts and mitigating circumstances in favour of the accused, has passed the impugned judgment, which this Court feels does not suffer from any perversity or illegality.

Accordingly, finding the present revision petition devoid of any merit, the same is order to be dismissed.

10.01.2017

Adhikari/atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No