

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. 4769 of 2016 (O&M)

Date of Decision: 08.02.2017

Raju and others

.....Petitioners

VERSUS

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Deepender Singh, Advocate
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Onkar Rai, Advocate
for the complainant.

SURINDER GUPTA, J.

Learned counsel for petitioners has not challenged the conviction of petitioners for offences punishable under Sections 323 and 506 of Indian Penal Code (for short 'IPC') recorded by the Court below but has requested for their release on probation.

2. Learned counsel for petitioners has argued that petitioners are not previous convicts. Allegations were levelled by the complainant that they have barged into their house and caused them injuries. Police on investigation had not filed challan under Section 452 IPC. Injuries on the person of complainant, his sister and father-in-law were simple in nature. Petitioners have faced protracted trial for a period of more than six years and have also undergone imprisonment for more than a month as they were taken into custody on 07.12.2016 and since then they are in jail.

3. Learned counsel for the complainant submits that petitioners have entered their house and caused injuries to complainant, his sister and

father-in-law without any provocation, as such, they do not deserve benefit of probation. He further submits that complainant has filed revision petition against other accused, who were acquitted by the trial/appellate Court, which is also pending, as such, benefit of probation may not be extended to petitioners.

4. Perusal of paper-book shows that petitioners are not previous convict. Occurrence took place on 26.08.2007. The accused faced trial for offence punishable under Sections 148, 149, 323, 325, 427 and 506 IPC but they were convicted for offence punishable under Sections 323 and 506 IPC only. This plea of complainant that petitioners have caused any damage to his property was not proved.

5. Keeping in view above facts and in order to provide opportunity to petitioners to reform themselves, I am of the view that ends of justice shall be fully met if they are released on probation. Request of learned counsel for petitioners is accepted. While maintaining conviction of petitioners for offences punishable under Sections 323 and 506 IPC, sentence awarded to petitioners is modified by allowing them the benefit of probation for a period of one year on their furnishing probation bonds and surety bonds to the satisfaction of Chief Judicial Magistrate, Faridabad and paying ₹15,000/- each as cost of litigation, which on payment be released to three injured in equal shares.

6. Disposed of in above terms.

(SURINDER GUPTA)
JUDGE

February 08, 2017

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No