

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1336-MA-2017 (O&M)

Date of decision-19.11.2018

Davinder Kumar

....Appellant

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Dr. Naresh Kaushik Advocate for the appellant.

Mr. Navdeep Singh, AAG, Haryana.

Ms. Sharmila Sharma, Advocate for respondent Nos.2 to 6.

MANOJ BAJAJ, J.

Complainant-Davinder Kumar has brought this appeal to challenge the judgment of the appellate Court dated 09.03.2017 passed by learned Additional Sessions Judge, Kaithal whereby judgment of conviction recorded by the trial Court on 28.10.2016 was maintained. However, the order of sentence imposed by the trial Court vide its order dated 29.10.2016 was altered by extending the benefit of probation under the Probation of Offenders Act, 1958. The appellate Court released the convicts on probation on their furnishing the probation bonds in the sum of ₹30,000/- with one surety in the like amount each to the satisfaction of the trial Court on the condition that each accused shall deposit a sum of ₹5,000/- as compensation to be paid to both the injured-PWs in equal shares.

Learned counsel for the accused has submitted that the accused

have successfully completed the probation period and the amount awarded as compensation has also been deposited. This fact is not disputed by learned counsel for the applicant.

Learned counsel for the applicant has contended that the respondents deserve to be awarded sentence of imprisonment as was recorded by the trial Court.

This Court has considered the arguments advanced by both the counsel and finds that the appellate Court has given valid reasons while extending the benefit of probation. The concession is founded on sound principles of criminal jurisprudence.

Learned counsel for the appellant argued that the private respondents were involved in other cases also which fact has been denied by learned counsel for the private respondents. Learned counsel for the appellant failed to produce any material to indicate the involvement of private respondents in any other case. Besides, this point was never raised before the appellate Court when the appeal was heard on merits and decided.

Considering the nature of offence and the fact that the respondents have successfully completed the probation period, there is no ground to alter the sentence at this stage.

Dismissed.

(MANOJ BAJAJ)
JUDGE

19.11.2018

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No