

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

CRR-2910-2009

Date of decision:-17.5.2018

Sarita

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.J.S. Chahal, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

Petitioners/accused – Jaswant Singh @ Kala, Bahadur Singh @ Khanna and Sukhdev @ Raju faced trial in the Court of learned Chief Judicial Magistrate, Kurukshetra for the offences under Sections 323, 324, 325, 34 and 506 IPC on the allegations that on 12.2.2000 in the evening while the complainant Baldev Singh son of Mihan Singh, resident of Majri Mohalla, Shahabad along with his brother Surat Singh and father Mihan Singh was going home through the passage of New Grain Market, at about 11:30/12:00 night and while the complainant was passing near

the shed at New Grain Market, then Raju alias Sukhdev armed with a sharp edged weapon, Kala alias Jaswant armed with a hockey stick and Khanna Pahlwan armed with a danda, who were already present there waylaid him; that Raju @ Sukhdev gave a knife blow to complainant hitting him on the upper lip, Kala alias Jaswant gave a hockey stick blow to the complainant hitting him on mouth and eyes, then Khanna Pahalwan gave blow with a danda hitting the complainant on the back side of his left ear, Kala @ Jaswant again gave a hockey stick blow on his mouth, whereas Raju gave fist blow on his mouth; the complainant fell down and raised alarm, which attracted his brother Surat Singh and father Mihan Singh. On seeing them coming, the assailants ran away from the spot along with their respective weapons.

On conclusion of the trial the accused were convicted vide judgment dated 25.9.2008 for the offences under Sections 323, 324, 325 read with Section 34 IPC and 506 IPC and vide order that very date, they were sentenced as under:

Offence under Section	Sentence Awarded
Section 323 read with Section 34 IPC.	Rigorous imprisonment for a period of six months and to pay a fine of Rs.300/- each.
Section 324 read with Section 34 IPC.	Rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- each.
Section 325 read with Section 34 IPC.	Rigorous imprisonment for a period of two years and to pay a fine of Rs.700/- each.
Section 506 IPC.	Rigorous imprisonment for a period of one year and to pay a fine of Rs.500/- each.

In default of payment of fine, the accused/convicts to

undergo further rigorous imprisonment for a period of six months. All the sentences were ordered to run concurrently.

Feeling aggrieved, the accused had filed an appeal in the Court of Sessions, which was assigned to Additional Sessions Judge, Kurukshetra, who vide his judgment dated 6.12.2008 maintained the conviction of the accused as ordered by the trial Court but instead of sentencing them ordered that the appellants be released on probation of good conduct on their entering into a bond in the sum of Rs.20,000/- with one surety in the like amount each, for a period of six months to receive the sentence when called upon during the said period and in the meantime, to keep the peace and be of good behaviour. The appellants were directed to pay total compensation of Rs.20,000/- to the injured.

The complainant has since expired and his widow Sarita felt aggrieved by such judgment directing the release of convicts on probation filed the present revision petition, notice of which was issued to the respondents.

I have heard learned counsel for the parties besides going through the record and I do not find any merit in the revision petition.

The law is well settled that the revisional jurisdiction of this Court is quite limited. This Court is to interfere only if there is an illegality or infirmity apparent on the face of the judgment/order passed by a Court below or the same is perverse and not otherwise.

The trend of modern penology is towards reform, rather than retribution. A criminal is treated like a patient, whose rehabilitation in the society is called for. Efforts are made to wean away a criminal from path

of crime and make him a responsible member of the society. Probation is meant to put a criminal under observation to see that he is absorbed in the society again and is not discarded as an outcast. If during the period of observation, he takes to path of crime again, then he can be hauled up and put behind bars to undergo the sentence.

Learned Additional Sessions Judge, Kurukshetra while hearing the appeal considering the facts and circumstances of the case, the antecedents of the accused, their family members, ages etc. had granted them benefit of probation. It does not come out that he had exercised such discretion in an arbitrary, illegal or unjust manner.

I do not find any reason to interfere with the order passed by learned Additional Sessions Judge, Kurukshetra while directing release of the accused/convicts on probation.

Finding no merits in the revision petition, the same stands dismissed.

17.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No