

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

**CRR No.1030 of 2010 (O&M)
Decided on: 02.05.2018**

Tida

....Petitioner

Versus

Jai Singh and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rakesh Nagpal, Advocate
for the petitioner.

Mr. R.K. Malik, Advocate
for respondents No.1 to 5.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this revision petition is for setting-aside the judgment dated 22.12.2009 passed by the Appellate Court vide which the respondents/accused persons were released on probation for a period of 01 year after holding them guilty for offence punishable under Sections 324 and 325 read with Section 149 of the Indian Penal Code (in short 'IPC') by modifying the judgment of conviction and order of sentence dated 13.10.2007 passed by the trial Court whereby the respondents/accused persons were sentenced to undergo rigorous imprisonment for a period of 01 year and 06 months and to pay a fine of Rs.1500/- under Sections 324 and 325 read with Section 149 IPC.

Counsel for the petitioner has submitted that as per the version given in FIR No.23 dated 12.02.2001 registered under Sections 148, 323, 324, 325, 326 read with Section 149 IPC at Police Station

Cheeka against the respondents/accused persons with the allegation that the respondents came to the fields of the complainant party and accused – Jai Singh gave a blow of gandasi on the head of Vakil, accused – Mohinder gave a gandasi blow on the head of the complainant – Tidda, accused – Mesha gave a lathi blow on the shoulder of Rakma and accused – Ramphal gave a gandasi blow on the back of Ratna and thereafter, they ran away from the spot. It is further submitted that though the respondents/accused persons and the petitioner belonged to the same village and are of same brotherhood and the period of probation of 01 year has expired, yet, the Appellate Court while releasing the respondents/accused persons on probation has not awarded any compensation to the injured/victims. The counsel for the petitioner restricts his argument only to the extent that the respondents/accused persons be directed to pay some compensation to the injured persons.

In reply, counsel for respondents No.1 to 5 has submitted that the FIR pertains to the year 2001 and it was a case of version and cross-version, in which the complainant side was acquitted whereas, the respondents/accused were convicted and they have faced the agony of protracted trial for the last 17 years while on bail during the pendency of the trial have never misused the concession of bail and further they have not repeated any such offence. It is further submitted that even, when the respondents were on probation for a period of 01 year as per the impugned judgment passed by the Appellate Court, they have not misused the concession of probation and have improved their behaviour and character, therefore, the judgment passed by the Appellate Court

releasing the respondents/accused be upheld and the revision petition be dismissed.

After hearing the counsel for the parties, I find no merit in the present revision petition with regard to challenge to the impugned judgment passed by the Appellate Court, releasing the respondents/accused persons on probation subject to their furnishing bail bonds for good behaviour for a period of 01 years. As per the impugned judgment passed by the Appellate Court on 22.12.2009, it is not disputed that in the intervening period of about 09 years, the respondents have not committed any offence or have extended any threat to the complainant party. It is also a matter of record that the FIR pertains to the year 2001 and the respondents/accused persons have faced the agony of protracted trial for the last 17 years and have never misused the concession of bail. However, the respondents/accused persons are directed to pay a compensation of Rs.5,000/- each to the injured/complainant namely Tida, Vakil and Rakma i.e. total amount of Rs.15,000/- will be paid to them in equal share.

With the aforesaid modification, the present revision petition is disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

02.05.2018
yakub

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