

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 2811 of 2014
Date of decision: 17.09.2018

Balwan

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

..Respondents

CORAM:HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sandeep Panwar, Advocate
for the petitioner.

Mr. Yashwinder Singh, AAG, Haryana.

RAMENDRA JAIN, J.(ORAL)

Through this petition, challenge has been made to judgement dated 05.06.2014 passed by the First Appellate Court, whereby private respondents along with his co-convicts have been released on probation for a period of one year on furnishing probation bonds in the sum of ₹50,000/- with one surety each in the like amount, on the condition that each convict shall deposit a sum of ₹15,000/- as compensation.

In nutshell, the private respondents were booked, tried and held guilty under Section 148, 149, 323, 324, 326, 341 and 506 IPC. Vide judgment of conviction dated 04.05.2012 and order of sentence dated 07.05.2012 they were sentenced to undergo imprisonment for a maximum period of 3 years.

Being aggrieved, the private respondents approached first appellate Court, who, after hearing both the sides, affirmed the judgment of conviction dated 04.05.2012, but modifying their order of sentence, ordered

to release them on probation of good conduct vide impugned judgment dated 05.06.2014.

Learned counsel for the complainant contends that First Appellate Court has erroneously granted benefit of probation to private respondents, without appreciating the fact that they were convicted under Section 326 IPC, therefore, they could not have been ordered to be released on probation.

On the other hand, learned counsel for the private respondents -accused vehemently opposing the arguments of learned counsel for the petitioner contends that even a person convicted under Section 326 IPC can be released on probation. In support of his arguments, he relied upon. Judgments rendered in **Ramesh Dass Vs. Raghu Nath and Others 2008 (1) Crimes (SC) 412; Sunder Singh Vs. State of Punjab 1998(1) RCR (Criminal)633; Pushpa Rani Sahu Vs. Sanjay Sarkar @ Roy & Others 2001 (3) AICLR 557; Bahadur Singh Vs. State of Punjab 2000 (1) RCR (Criminal) 104 and Narsa Ram and Others Vs. State of Rajasthan 2009 (5) RCR (Criminal)224.**

Having heard and going through the record, referred to by both the sides, this court finds no merit in the instant revision for the reasons to follow

(i) There are six private respondents, who have been ordered to pay a total compensation of ₹ 90,000/- i.e. ₹15,000/- each, for onwards payment of the complainant. Therefore, the first appellate court has fully taken care of the grievances of the petitioner.

(ii) Private respondents were released on probation of good conduct for a period of one year in the year 2014 on their furnishing bail

and surety bonds with one surety in the like amount. Nothing has come on record nor has been brought by counsel for the petitioner that private respondents have ever violated the terms and conditions of the impugned order, despite elapsing of 4 years.

The present petition filed by petitioner seems to be arm twisting device. There are no reasons to hang a sword on the head of the private respondents to keep them under undue pressure.

The facts and circumstances of the above referred authorities are distinguishable on facts to the present case and therefore, no assistance can be given to the petitioners.

Consequently, the instant revision petition is dismissed.

September 17, 2018
Poonam (II)

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No