

CRR-2963 of 2015

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

CRR-2963 of 2015
Date of Decision: 14.08.2018

Raj Kumar

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Rahul Arora, Advocate,
for Mr. Raman Goklaney, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition, challenge has been laid to judgment of the First Appellate Court dated 05.06.2015, releasing private respondents No.2 to 9 on probation of good conduct under Section 4(1) of the Probation of Offenders Act on execution of probation bonds in the sum of Rs.10,000/- each with one surety in the like amount undertaking to keep peace and tranquillity during the period of next one year and not to commit any such offence during that period, modifying the order of sentence dated 16.03.2015 of the trial Court, whereby respondents No.2 to 9 were sentenced to undergo rigorous imprisonment for three years each under Section 148 and 452 read with Section 149 IPC and pay fine of Rs.2,000/- under each offence. In default of payment of fine to undergo simple imprisonment for 20 days against each offence. To further undergo rigorous imprisonment for a period of two years each under Section 427 read with Section 149 and Section 506 IPC and pay fine of Rs.1000/- under each

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offence. In default of payment of fine to undergo simple imprisonment for 10 days against each offence.

Learned counsel for the petitioner *inter alia* contends that the First Appellate Court modified the order of sentence of the trial Court into order of probation without hearing the petitioner and granting any compensation to him. Respondents No.2 to 9 had caused loss to the petitioner by demolishing his property. Still they are pursuing civil litigation against the petitioner for which the petitioner has to spend lot of money for no reason.

Having considered the submissions made by learned counsel for the petitioner, I find the instant petition completely devoid of any merit for the reasons to follow.

This revision was filed in the year 2015, during which period, respondents No.2 to 9 did not commit any breach and maintained peace and tranquillity. No injury was ever caused by respondents No.2 to 9 to the petitioner or his family members. Therefore, the petitioner did not incur any expenses on medical treatment. Only allegation against the private respondents is that in the night of 24.07.2011, they forcibly entered into the house of petitioner and demolished a wall and damaged his household articles by confining him. However, the petitioner did not produce any valuation report on the record so as to prove for how much amount, he had suffered loss on account of alleged damage to his household articles by respondents No.2 to 9.

Therefore, no compensation can be granted to the petitioner on hypothetical and imaginary basis. Respondents No.2 to 9 have proved themselves to be a good citizens after releasing them on probation.

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Therefore, impugned order, in the considered opinion of this Court, passed by the First Appellate Court is not liable to be interfered with.

Dismissed.

August 14, 2018	(RAMENDRA JAIN)
R.S.	JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No