

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

Sr. No.233

CRR No.2192 of 2016
DECIDED ON: October 11, 2018

YASHPAL @ JASPAL

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rakesh Sharma, Advocate for
Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition, petitioner-complainant has challenged to order dated 12.02.2016 of learned Additional Sessions Judge, Gurdaspur, whereby, respondents No.2 to 6 were released on probation of good conduct, for a period of one year, subject to furnishing probation bonds in the sum of Rs.20,000/- with one surety in the like amount each, by modifying the order of sentence dated 12.03.2012 of trial Court, sentencing them under Sections 148, 427, 447 and 506 IPC for maximum a period of one year.

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Briefly, holding trial in a complaint filed by the revisionist under Sections 307, 447, 448, 427, 506, 395, 392, 397, 148 & 149 IPC, trial court held guilty and convicted the private respondents under Section 148 IPC for rigorous imprisonment for one year; Section 427 IPC rigorous imprisonment for six months; Section 447 and 506 IPC rigorous imprisonment for three months along with fine of Rs.500/- each separately of each offence and in default of payment thereof, to undergo simple imprisonment for 10 days separately of each offence vide judgment of conviction and order of sentence dated 12.03.2012 passed by learned JMJC, Gurdaspur.

Aggrieved against the aforesaid judgment dated 12.03.2012, private respondents approached the First Appellate Court, who while maintaining their conviction, modified their sentence as narrated above in the opening part of this judgment.

Inter alia, learned counsel for the petitioner contends that First Appellate Court without considering the gravity of offence committed by the private respondents, wrongly and illegally released the private respondents on probation.

Having given thoughtful consideration to the submissions made by both sides, this Court finds no merit in the instant petition for the reasons to follow:

Private respondents were released on probation for a period of one year vide order dated 12.02.2016 on furnishing of their probation bonds in the sum of Rs.20,000/- with one surety in the like amount each. In these two years, nothing has come on record that they ever violated the terms and conditions of their probation bonds.

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Moreso, the respondents have already subjected to protracted trial for 16 years i.e. from 17.07.2001 when the applicant had filed complaint till 12.02.2016 on which date, their appeal was disposed of.

Therefore, considering the aforesaid fact that private respondents have already sufficiently made to suffer and have not committed any breach during their probation period, I do not find any justification to interfere the impugned judgment dated 12.02.2016.

Dismissed.

October 11, 2018

Ankur

**(RAMENDRA JAIN)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**