

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-4656 of 2015 (O&M)
Date of Decision: 15.05.2018

Harcharan Singh

...Petitioner

V/S

Dilbag Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Mannat Anand, Advocate for
Mr. Pritam Singh Saini, Advocate
for the petitioner.

Mr. Arnav Sood, Advocate
for respondents No. 1 to 6.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN,J. (Oral):

Prayer in this petition is for setting aside the judgment dated 19.08.2015 passed by the Lower Appellate Court vide, which while upholding the conviction of the respondents passed by the trial Court, holding them guilty for commission of the offence punishable under Sections 452/323/326/324 and 149 IPC and sentencing them to undergo RI for 02 years and fine of Rs.2,000/- was partly modified and they were ordered to be released on probation by furnishing probation bonds in the sum of Rs.25,000/- with an undertaking not to commit any similar offence during probation period.

Brief facts of the case are that respondents No. 1 to 6 faced the criminal trial arising out of FIR No. 185 dated 26.11.2006, in which the trial Court, vide judgment of conviction and order of sentence dated 11.03.2015, convicted them for the offences punishable under Sections

452/323/326/324 and 149 IPC, and sentenced to undergo substantive imprisonment for a period of two years and to pay a fine of Rs.2,000/- each.

Feeling aggrieved, respondents No. 1 to 6 preferred an appeal before the Additional Sessions Judge, Hoshiarpur which was decided on 19.08.2015. The Lower Appellate Court while modifying the judgment of trial Court, acquitted respondents No. 1 to 6 for the offence punishable under Section 326 read with Section 149 IPC, however, upheld their conviction for the offence punishable under Sections 452/324/323 and 149 IPC but released them on probation.

The petitioner (injured/victim) has filed the present petition challenging the order vide which respondents No. 1 to 6 were released on probation.

While issuing notice of motion on 07.01.2016, it was noticed that while releasing respondents No. 1 to 6 on probation, the Lower Appellate Court has not awarded any compensation to the injured/aggrieved persons.

Learned counsel for respondents No. 1 to 6 has submitted that they are ready to pay an amount of Rs. 20,000/- each to the victim/injured and his wife Surjit Kaur.

In reply, counsel for the petitioner, has restricted her arguments limited to the extent that the petitioner will not challenge the judgment of Lower Appellate Court on any other ground except that the petitioner and his wife being victims/injured be granted the compensation as per Section 357 of the Cr.P.C.

After hearing counsel for the parties, considering the nature of the injuries sustained by petitioner-Harcharan Singh and his wife Surjit

Kaur, I deem it appropriate to direct respondents No. 1 to 6 to pay an amount of Rs.20,000/- each to the petitioner and his wife on or before 28.09.2018.

This petition is disposed of in above terms.

(ARVIND SINGH SANGWAN)
JUDGE

15.05.2018
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Whether speaking/reasoned : Yes/No.

Whether Reportable : Yes/No