

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

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**CRR-4843-2016 (O&M)
Date of Decision: 25.01.2018.**

Santosh

....Petitioner.

Versus

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Yashdeep Nain, Advocate for the petitioner.

Mr. Manish Bansal, Deputy Advocate General, Haryana.

Shekher Dhawan, J.(Oral)

The present revision petition by the complainant, under Sections 397 and 401 Cr.P.C., is directed against the judgment dated 06.09.2016 passed by learned Additional Sessions Judge, Hisar, vide which the appeal preferred by Jagdish, Jaibir, Rajesh, Naresh and Randhir (respondents No.2 to 6 herein), against the judgment of conviction dated 08.01.2015 passed by learned Judicial Magistrate Ist Class, Hansi, was dismissed, with modification in the order of sentence dated 09.01.2015 thereby ordering the accused-persons to be released on probation on their executing personal bonds in the sum of Rs.20,000/- with one surety each of the like amount with an undertaking to keep peace and be of good behaviour for a period of one year and to appear and receive the sentence during said period as and when called upon.

The accused-respondents No.2 to 6 were held guilty by learned trial Court and were convicted and sentenced to undergo rigorous imprisonment for one year and a fine of Rs.500/- each for offences punishable under Section 148 read with 149 IPC. They were further sentenced to undergo rigorous imprisonment for six months for offence punishable under Section 323 read with 149 IPC. In default of payment of fine, to undergo further rigorous imprisonment for a period of 15 (fifteen) days.

Learned counsel for the petitioner contended that the petitioner-complainant is aggrieved of the said order as they had to spend a lot on litigation and also had to spend a substantial amount on medical treatment.

On having asked, learned counsel for the petitioner could not point out that any injured remained admitted for one day or spent anything for medical treatment.

There is absolutely no illegality in the judgment passed by learned Additional Sessions Judge because the offences alleged against the accused and conviction having been recorded is under Sections 323, 148 and 149 IPC. As per view taken by Hon`ble Supreme Court in **Hari Kishan and State of Haryana Vs. Sukhbir Singh, 1988(2) R.C.R. (Criminal) 394** and by this Court in **State of Punjab Vs. Kuldeep Singh and others, 2007(2) R.C.R. (Criminal) 670** and **Ram Kumar Vs. State of Haryana, 2000 (1) R.C.R. (Criminal) 771**, accused persons involved in such like cases, who are not previous convicts and not habitual offenders, can be extended the benefit of probation under the Probation of Offenders Act. Learned first Appellate Court had rightly decided the appeal while modifying the order of sentence and passed order of release of the accused-persons on probation on

their executing personal bonds in the sum of Rs.20,000/- with one surety each of the like amount with an undertaking to keep peace and be of good behaviour for a period of one year and to appear and receive the sentence during said period as and when called upon. There is absolutely no infirmity in the well reasoned judgment of learned Additional Sessions Judge and the present revision petition is without any merit.

Resultantly, the present revision petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

25.01.2018
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No