

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

Criminal Revision-569 of 2018 (O&M)

Date of Decision: July 2, 2018

JASWANT KAUR

.....COMPLAINANT-PETITIONER

VERSUS

HARDEV SINGH AND OTHERS

....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Binderjit Singh, Advocate
for the complainant-petitioner.

GURVINDER SINGH GILL, J.

The petitioner-complainant, by way of present revision petition assails judgment dated 26.10.2017 in so far as the same pertains to release the accused on probation.

The facts in nutshell are that the FIR in the present case registered at the instance of Jaswant Kaur who alleged that on 5.12.2014, when she, her husband Sukhdev Singh and daughter Jasprit Kaur were present in their fields, then accused Hardev Singh, Gurjant Singh and Baldev Singh were filling soil in their plot with the help of tractor and when she and her husband asked them to not to throw soil in their fields, they had an altercation with them, pursuant to which Hardev Singh raised lalkara and brought a 'kapa' from the room constructed in the plot. Baldev Singh was carrying a handle of spade (kahi) and Gurjant Singh was armed with 'kahi'. The accused attacked the husband of the complainant and caused injuries to him and when the complainant and her daughter tried to rescue him they were also caused injuries by the accused persons.

The accused were tried and found guilty of having committed an offence punishable under Section 324 read with section 34 of Indian Penal

Code and were ordered to be released on probation vide judgment dated 26.10.2017.

The complainant-petitioner, aggrieved by release of the accused on probation assails the aforesaid judgment dated 26.10.2017 and has submitted that in the present case three persons from the complainant side have been caused injuries and that in fact even the lady members have been caused injuries. The learned counsel for the complainant further submits that in fact it is a case of grievous injuries but the police colluded with the accused and did not get the x-ray examination conducted.

I have heard learned counsel for the petitioner-complainant and have perused the impugned judgment. From the evidence led by the prosecution, it is borne out that the accused had committed an offence punishable under section 324 IPC and had not caused any grievous hurt. It is not the case of the prosecution that the respondent-accused Hardev Singh, Gurjant Singh are previous convicts.

Bearing in mind the nature of offence for which the accused have been convicted and also the fact that they are not previous convicts, I do not find any infirmity in the judgment of trial Court in releasing the aforesaid convicts on probation. There is no infirmity in the impugned judgment and the same is hereby upheld.

There is no merit in this revision petition and the same is hereby dismissed.

July 2, 2018

Sandeep

**(GURVINDER SINGH GILL)
JUDGE**

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>