

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

238

CRR-225-2019 (O & M)
Date of Decision:01.04.2019

Parminder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Talwinder Singh, Advocate
for the petitioners.

MANOJ BAJAJ, J.(ORAL)

The complainant is aggrieved against the judgment passed by the Appellate Court dated 22.11.2018, whereby upholding the conviction recorded by the learned trial Court, concession of Probation of Offenders Act, 1958 has been extended to the convicts.

Learned counsel for the complainant/petitioner contends that the convicts have not spent even a day behind the bars after conviction. The challenge is only to the sentence part with a prayer to enhance the sentence and prays for the restoration of the sentence part imposed by the learned trial Court.

With the assistance of the learned counsel for the petitioners, I have gone through this judgment passed by the Appellate Court, whereby it has given the valid reasons for extending the said benefit. The relevant para reads as under:-

“The appellants are first offenders. They are facing trial for the last many years. The only grievous injury which has attracted offence under Section 325 IPC, is injury No.1 on the wrist of victim Amrik Kaur, which is non vital part of her body and therefore, she can be compensated for such injury. It was also from the blunt side of the weapon. So, keeping in view the antecedents of the appellants and further keeping in view the seat of injury and the side of weapon used by the accused, I am of the opinion that one chance must be given to them to reform themselves. Hence, the sentence part of the judgment of learned trial court is set aside and the appellants are ordered to be released on probation on their furnishing personal bonds in the sum of ₹30,000/- each with an undertaking to keep peace and tranquillity for a period of six months, and also subject to payment of ₹20,000/- i.e. ₹10,000/- by each of the appellants, as compensation to victim Amrik Kaur within one month from today failing which their appeal against sentence part of the impugned judgment shall also be deemed to be dismissed and they shall be called to receive the sentence by the trial Court. With such alteration in the sentence part of the judgment, both the appeals stand dismissed. The amount of fine, if deposited before the learned trial court, shall be considered as costs of prosecution. After deposit of amount of

compensation notice be issued to victim Amrik Kaur to receive it. Trial court file along with copy of this judgment be sent to the trial court. Appeal file be consigned to the record room.”

A perusal of the above reveals that the concession is extended on sound judicial principles and a balance has been struck by awarding the compensation to the victim. No material has been brought to the notice of this Court to indicate that the convicts were previously convicted in some other case as well.

This Court does not find any illegality or impropriety in the judgment passed by the Appellate Court, therefore, no interference is called for.

The present petition is dismissed.

01.04.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No