

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

CRR-356-2015(O&M)

Date of decision: 26.11.2019

Pushpa Devi

.....Petitioner

Versus

Surinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.M.S.Dhami, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

Challenge is to the judgment passed by learned Court of Additional Sessions Judge, Pathankot, releasing the respondents No.1 to 4 on probation under Section 4 of Probation of Offenders Act, 1958. Learned Magistrate had convicted the accused under Sections 323, 324 IPC read with Section 34 IPC. They have been sentenced as under:-

Under Section 323 read with Section 34 IPC

i) Accused Sandeep Singh is sentenced to undergo rigorous imprisonment for a period of six months under Section 323 IPC. Whereas accused Jagdeep Singh, Hardev Singh and Surinder Singh are sentenced to undergo rigorous imprisonment for a period of six months under Section 323 IPC read with Section 34 IPC.

Under Section 324 read with Section 34 IPC

ii) Accused Jagdeep Singh is sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.500/- under

Section 324 IPC. In default of payment fine he shall further undergo RI for a period of seven days. Whereas accused Surinder Singh, Hardev Singh and Sandeep Singh are sentenced to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.500/- each under Section 324 IPC read with Section 34 IPC. In default of payment fine, they shall further undergo RI for a period of seven days each.”

Learned Court of Sessions after considering the various aspects of the matter decided to release the respondents-accused on probation.

Learned counsel for the petitioner although made sincere attempt but failed to convince the Court as to how the discretion exercised by the Court of Sessions is not in accordance with the law. The Probation of Offenders Act has been enacted with a view to give one opportunity to the accused in petty offences to improve and reform. Hence, no ground to interfere is made out.

Dismissed.

26.11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No