

CRR-1571 of 2017

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

CRR-1571 of 2017
Date of Decision: 13.03.2019

Bhajan Kaur

....Petitioner

Versus

Kulwant Kaur and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Ms. Kaavya Jariyal, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through instant revision, petitioner-complainant has laid challenge to judgment dated 10.03.2017 of the Appellate Court, whereby while upholding judgment of conviction dated 05.11.2016 holding the respondents guilty under Sections 452, 429, 506 IPC, they were released on probation.

Learned counsel for the petitioner *inter alia* contends that the Appellate Court failed to appreciate that both the respondents are of great criminal ilk, as they killed petitioner's dog tied inside her house on barking.

Having given thoughtful consideration to the submission made by learned counsel for the petitioner, this Court finds the instant revision, completely devoid of any merit for the reasons to follow.

Appellate Court has power to release a person on probation, if it

deems fit. In the instant case, Appellate Court, in its wisdom, granted probation to the respondents, while maintaining their conviction under

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Sections 452, 429, 506 IPC, on their furnishing personal bonds in the sum of ₹25,000/- with one surety each in the like amount for a period of six months, considering the fact that respondents were first offenders. They had killed the dog of the revisionist on his barking upon them.

In case, respondents would be sent behind bars to undergo substantive punishment awarded to them, then there is every likelihood of their coming in contact with hardcore criminals and that one of the accused is a lady, aged around 58 years, and other is a young person. This Court, considering the above fact, is in complete agreement with release of respondents on probation by the Appellate Court.

Appellate Court has already converted the fine amount of ₹4,000/- each i.e. total ₹8,000/- as compensation for onwards payment to the petitioner-complainant. Therefore, petitioner has adequately been compensated, before release of the respondents on probation on 10.03.2017 for six months.

Learned counsel for the petitioner has not been able to show that during this period or thereafter, any of the respondents ever committed any overt act, violating the conditions of their probation bonds or committed any other crime.

In view of discussion above, revision is dismissed.

March 13, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No