

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

CRR No. 2347 of 2005

DATE OF DECISION :- July 29, 2022

Hanumat Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. P.R. Yadav, Advocate for the petitioner.

Ms. Mehak Sawhney, Advocate for the respondents.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana.

Briefly stated the facts of the case are that Sunil Kumar and Vijay Singh sons of Parbhati Lal , Parbhati Lal son of Bhai Ram, Amar Singh son of Ramji Lal and Ramautar son of Parbhati Lal, all of them being accused in F.I.R No. 288 dated 29.10.1994 for offences under Sections 148/323/452/149 IPC registered with Police station Jatusana faced trial by Additional Chief Judicial Magistrate, Rewari on the allegations that on 25.9.1994 at about 8. P.M in the area of Village Tatarpur within jurisdiction of Police station Jatusana, District Rewari, all of them while being armed with iron pipes and lathis formed an unlawful assembly and in prosecution of their common object criminally trespassed into the house of complainant Hanumat Singh and his mother Lado Devi and in that process they had voluntarily caused simple injuries to complainant Hanumat Singh and his mother Lado Devi with blunt weapons. The injured were taken to hospital where they were medically treated and medico legally examined.

The matter was reported to the police. Formal F.I.R was registered. The accused were arrested in this case. On completion of investigation, they were forwarded to the Court to face trial.

The motive for the incident was that Parbhathi Lal, real brother of the complainant had gone to the house of the complainant and demanded his share in the ancestral property and when Lado Devi, mother of the complainant and the complainant refused to do so, Prabhati Lal got angry and assaulted complainant. In the meanwhile his co-accused also arrived at the spot and assaulted complainant and his mother Lado Devi.

On completion of trial, all the accused were convicted for offences under Sections 148/323/452/149 IPC vide judgment dated 17.8.2004 and in terms of the order of sentence passed on 18.8.2004, all the accused were sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- under Sections 323/149 IPC and rigorous imprisonment for one year and to pay a fine of Rs.1,000/- under Section 148 IPC and under Sections 452/149 IPC rigorous imprisonment for two years and to pay a fine of Rs.2,000/- and in case of default of fine, the accused were ordered to undergo rigorous imprisonment for three months each under Sections 323/149/148 IPC and six months under Section 452/149 IPC. The sentences were ordered to run concurrently.

The accused convicts feeling dissatisfied with the judgment of conviction and order of sentence passed against them had approached the Court of Sessions at Rewari, by way of filing an appeal which was disposed of by Additional Sessions Judge, Rewari vide judgment dated 3.8.2005 in terms of which conviction of all the accused convicts was maintained.

However, with regard to the sentence, they were granted the benefit of

probation and were ordered to be released on probation subject to their furnishing bonds in the sum of Rs.10,000/- for a period of one year with one surety in the like amount and to keep peace and be of good behaviour and further to appear in the court to receive sentence as and when required. Out of total fine of Rs.20,000/- imposed on the accused the same was ordered to be given to the injured as compensation. The accused appellants were further directed to pay Rs.1,000/- each as cost of litigation.

Now it was turn of the complainant to feel aggrieved by the judgment and he has approached this Court by way of filing the present criminal revision petition submitting that the accused have wrongly been granted the benefit of probation rather keeping in view the gravity and seriousness of allegations against them they deserve to be dealt with sternly and sentence of imprisonment awarded to them by the trial Court should have been maintained.

Notice of criminal revision petition was given to the State and accused convicts who have put in appearance through their counsel.

I have learned counsel for the petitioner, learned counsel for the respondents and learned State counsel besides going through the record.

I find that there is no merit in the criminal revision petition. The trend of modern penology is towards reform, rather than retribution. The accused are treated like patients whose rehabilitation in the society is sought for. Here the injuries attributed to the accused are simple in nature. The period of probation has elapsed long back. The injured have been adequately compensated by way of award of compensation by the First Appellate Court. The parties are closely related to each other. The incident had taken place about 28 years back. There is nothing on record to show

that the accused have indulged in any criminal act after being granted the benefit of probation by the learned Additional Sessions Judge, Rewari, till date. In the interest of justice, public peace and tranquility it would be better if the order passed by Additional Sessions Judge, Rewari granting benefit of probation to the accused is maintained rather than setting aside that order and making the accused convicts to undergo the substantive sentence awarded to them by the trial Magistrate. Therefore, I do not find any reason to allow the criminal revision petition. The same stands dismissed accordingly.

**(H.S. MADAAN)
JUDGE**

July 29, 2022
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No