

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRR-3779-2016

Decided on 29.08.2022

Gurcharan Singh

... Petitioner

VS.

Chamkaur Singh & Ors.

... Respondents

Coram: Hon'ble Mr. Justice Sandeep Moudgil

Present: Mr. HC Arora, Advocate for the petitioner

Sandeep Moudgil, J.

This criminal revision petition filed by the petitioner seeking setting aside of the order to the extent it directs for releasing respondents No.1 & 2 on probation for a period of 2 years.

Brief facts are that a complaint was filed by the petitioner against respondents No.1&2, Chamkaur Singh and Lakha Singh, respectively under Section 458/452/307/326/325/324/323/506/34/120-B IPC. The trial court, in the said complaint, convicted both the respondents No.1&2 under Sections 323/506/34/452 IPC and sentenced them to undergo simple imprisonment for six months with fine of Rs.500/- each. The respondents No.1&2 filed appeal against the judgment of the trial court and the learned Additional Sessions Judge, Mansa vide judgment dated 31.08.2016, while maintaining the conviction, set aside the order of sentence dated 22.02.2013 to the extent giving the benefit of probation under Section 4(1) of the Probation of Offenders Act and the respondents No.1&2 were ordered to be released on probation for a period of 2 years on their furnishing probation bonds in the sum of Rs.20,000/- each with Rs.2000/-

each as litigation costs. Aggrieved by the said judgment, the petitioner-complainant has filed this revision petition.

Learned counsel for the petitioner contended that the learned Additional Sessions Judge, Mansa did not call for any report from probation officer in terms of Section 4(1) of the Probation of Offenders Act. It is further averred that the learned court below has ignored the fact that it is the petitioner who has suffered at the hands of the respondents No.1&2 and this fact should also have been considered while granting releasing the convicts/respondents.

Further the contention of the counsel for the petitioner is that the respondents No.1&2 are having criminal antecedents and had the learned court below given him an opportunity, he would have brought on record the material to corroborate the same.

No reply has been filed by the respondents to controvert the allegations made by the petitioner.

I have heard learned counsel for the parties and gone through record.

In my considered view, this petition ought to fail on the ground that it was open for the petitioner to place on record any material available with him regarding criminal antecedents of the respondents before the learned court below to show that respondents No.1&2 will not keep peace and good behavior. In the present case, the court below considered the mitigating circumstances like age, agony suffered by the respondents, their ailments etc. and directed the release of the respondents No.1&2 on probation for a period of 2 years. In any case, the petitioner is always be at

liberty to seek cancellation of probation on the ground of non-maintaining of peace etc. by respondents No.1&2.

Dismissed.

29.08.2022
V.Vishal

(Sandeep Moudgil)
Judge

1. <i>Whether speaking/reasoned?</i>	Yes/No
2. <i>Whether reportable?</i>	<i>Yes/No</i>