

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

263

CRR-154-2020

Date of decision: 12.07.2023

Baggar Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Surinder Garg, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant revision has been filed to challenge the order dated 17.10.2019 passed by learned Sessions Judge, Faridkot vide which respondent No.2-accused was ordered to be released on probation in case FIR No.32 dated 31.03.2011 under Sections 325/323 of the IPC registered at Police Station Sadar Faridkot.

2. Learned counsel for the petitioner has vehemently argued that during trial it stood established that respondent No.2-accused (hereinafter referred to as 'accused') had inflicted injuries on the petitioner-complainant (hereinafter referred to as 'complainant') and vide order dated 01.07.2015 the Trial Court had convicted the accused for a period of 02 years under Section 325 of the IPC and 06 months under Section 323 of the IPC. However, the Lower Appellate Court while upholding the conviction of the accused erred in modifying the sentence awarded to him by ordering his release on probation along with litigation costs of ₹50,000/- to be paid to the complainant. Learned counsel submits that the impugned order releasing the accused on

probation was a non-speaking one as the only reason assigned was that the accused had been facing trial since March, 2011. A prayer has, therefore, been made for setting aside the impugned order and calling upon the accused to serve out sentence of 02 years as awarded under Section 325 of the IPC by the Trial Court vide order dated 01.07.2015.

3. I have heard learned counsel and perused the relevant material on record including the impugned order.

4. The occurrence in question took place on 22.03.2011 when the goats belonging to the accused entered into the fields of the complainant. The goats damaged the cattle fodder lying in the fields of the complainant and when the accused was asked by the complainant to take his goats out of his fields, it led to a quarrel between them. In the quarrel that ensued, the accused inflicted 06 injuries on the person of the complainant with a stick which he was carrying at the relevant time. A perusal of the MLR of the complainant reveals that all the injuries on his person were found to be simple in nature except one grievous injury i.e. injury No.1 which was a reddish abrasion measuring 0.5 X 0.3 cm on the back of his left arm, 11 cm from left shoulder.

5. Admittedly, the accused had been facing a protracted trial since March, 2011. There was no material on record from which it could be discerned or shown by the prosecution that after the registration of the FIR in question, the accused had been involved in any other criminal case or had indulged in similar assault on the complainant or any other person. It cannot also be overlooked that the ultimate goal of punishment in a modern civilized society is to attempt reformation of the offender. It may not always be necessary in each and

every case to incarcerate the offender where he/she has had an opportunity to repent for his/her wrongs. Forgiveness would ensure a better remedy than imprisonment. This Court in the aforementioned facts and circumstances has no reason not to concur with the impugned order passed by the learned Sessions Judge, Faridkot vide which the accused was extended the benefit of probation.

6. This Court, therefore, does not find any illegality much less perversity in the impugned order. Accordingly, the instant petitions is dismissed *inlimine*.

12.07.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No