

**229 IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH****CRR No. 2349 of 2022 (O&M)  
Date of Decision: 03.05.2023**

Balwinder Kaur @ Baljinder Kaur

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL**Present: Mr. Lupil Gupta, Advocate,  
for the petitioner.

Mr.Bijender Dhankar, AAG, Haryana.

**SANDEEP MOUDGIL. J.**

1. This revision has been filed by complainant/injured against judgment dated 28.02.2022 passed by learned Additional Sessions Judge, Sirsa whereby while maintaining the conviction of respondents No.2 to 6 under Sections 323 and 325 read with Section 34 IPC, they were released on probation.

2. Relevant paragraph of impugned judgment passed by learned Additional Sessions Judge is as under:-

*“8. Appellants have been held guilty for offences under Sections 323 and 325 read with Section 34 IPC. Occurrence took place as far back as in the month of April, 2009 i.e. more than 12 years back. They have already suffered a protracted trial. They are poor men and first offenders. They are sole bread earners of their families. Appellants Surjit Singh is aged 57 years and having very weak eye sight, Bhagwan Singh is aged about 59 years and his wife Chhinderpal Kaur is aged about 59 years who is also appellant in this case and is a diabetic patient.*

*Appellant Sonu has two minor daughters. He is a labourer. So by keeping in view, nature of offence and antecedents of appellants, while maintaining their conviction, appellants are granted benefit of Sections 3/4 and 12 of the Probation of Offenders act, 1958...”*

3. The order releasing the respondents No.2 to 6 on probation has been assailed on the ground that the learned trial Court has rightly convicted and sentenced them. The agony and miseries of the complainant/injured have been totally ignored by the Additional Sessions Judge.

4. I have heard learned counsel for the petitioner and have gone the case file carefully.

5. This Court is of the opinion that the impugned order has been passed rightly and there is no scope for interference in the same. The occurrence in the present case, took place 14 years back. The private respondents are first offenders. They are in the fifties of their life. Keeping in view the nature of offence and antecedents of accused, they were rightly ordered to be released on probation. Learned Additional Sessions Judge has kept in mind the principle of penology and criminology and while releasing the accused on probation has justly compensated the complainant by awarding her Rs.25,000/- as compensation.

6. In view of the above, this Court does not deem it fit to interfere in the impugned judgment while exercising its revisional jurisdiction. Thus, present petition is dismissed.

03.05.2023.

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(SANDEEP MOUDGIL)  
JUDGE

**Whether speaking/reasoned: Yes/No**  
**Whether Reportable: Yes/No**