

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CRR-1198-2016 (O&M)

Date of decision: 04.08.2023

RAJ SINGH & ANR

...Petitioners

VERSUS

STATE OF PUNJAB & ORS

...Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Sarika Gupta, Advocate
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Sunil Agnihotri, Advocate
for respondent No.2.

PANKAJ JAIN, J.(ORAL)

1. This is a criminal revision against the judgment passed by the Appellate Court whereby, though the conviction qua the respondent No.2 was maintained but he was ordered to be released on probation observing as under:--

“11. I have considered the prayer of learned counsel for the appellants-accused and learned Addl. PP for the State and gone through the material on record as the appellants-accused challenged the conviction by way of this appeal and this court is duty bound to see whether the judgment of conviction is legally or rightly passed by the learned trial court despite not disputing the conviction by the appellants-accused. So after considering the whole evidence on record this Court has found and is of the considered view that the learned trial Court while rendering the judgment under appeal has kept in view the entire evidence coming on the file and touched almost all the points raised by both the parties during the arguments

before the learned trial Court. The learned trial Court has given considered view in a convincing manner while holding the appellants-accused guilty for the commission of offence under Sections 452, 324, 323, 506 IPC and there is no illegality while passing the judgment of conviction against the appellants-accused by the learned trial Court and conviction is, therefore, upheld. However this Court has considered the prayer of the appellants-accused regarding release of appellants-accused on probation for offence under Sections 452, 324, 323, 506 IPC. This court has found that no injury is attributed to appellant-accused Madan Lal and no material is on record against him. However the role attributed to appellant-accused Ujagar Singh is that he gave knife blow which hit on the elbow of the complainant, which is non vital part of the body of the complainant and this injury is simply in nature. Keeping in view the facts and circumstances of this case and gravity of offence as well as of the following facts:

- 1. Age of the appellants-accused;*
- 2. Previous antecedent of the appellants-accused;*
- 3. The appellants-accused are first offender;*
- 4. There is no history of previous conviction;*
- 5. The appellants-accused have already faced mental as well as Physical agony since the occurrence till today;*
- 6. There is no legal impediment to release the appellants accused on Probation;*

The appellants-accused are hereby ordered to be released on probation of good conduct for a period of one year on their furnishing personal probation bonds in the sum of Rs.25,000/- each with an undertaking not to commit any similar offence during that period and will come present and receive sentence imposed by the trial Court as and when called upon by the Court in case of violating the conditions of the probation bonds. The fine paid by the appellants-accused would be treated as costs

of proceedings. However keeping in view the Injury caused by accused Ujagar Singh to the complainant, the complainant had medically treated himself and suffered loss of physical and mental pain due to the injury, it would be appropriate and in the interest of justice, the appellant- accused Ujagar Singh should compensate the victim by way of money and accordingly direction is made to the appellant- accused Ujagar Singh to deposit Rs. 10,000/- as compensation to be paid to the victim Raj Singh as compensation as required by Section 357 Cr.P.C. and the said Section is clearly applicable in this case. The appellant- accused Ujagar Singh has deposited compensation amount of Rs.10,000/- vide separate receipt. A separate notice be issued to the complainant-injured of this case namely Raj Singh in his information that a compensation of Rs.10,000/- has been awarded in his favour to be paid by the appellant Ujagar Singh, which has been deposited by him and injured Raj Singh is at liberty to withdraw the said as per rules.”

2. The probation period already stands expired.
3. Learned counsel for the respondent No.2 submits that the compensation as ordered by the Appellate Court already stand deposited by the petitioners.
4. In view thereof, this Court is of the considered opinion that nothing survives in the present criminal revision and the same is ordered to be dismissed.
5. Ordered accordingly.

August 04, 2023

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**(PANKAJ JAIN)
JUDGE**

*Whether reasoned/speaking?
Whether reportable?*

*Yes/No
Yes/No*