

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

(238)

**CRR-3363-2017 (O&M)  
Date of Decision: 23.03.2023**

Jagmal Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Karan Singh, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

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**HARKESH MANUJA, J.(ORAL)****CRM-29907 of 2017**

This is an application for condoning the delay of 56 days in filing the present petition.

For the reasons mentioned in the application which is supported by an affidavit, sufficient cause has been shown for condoning the delay of 56 days, therefore prayer made in the application is allowed and delay of 56 days in filing the revision petition is ordered to be conducted.

Application stands disposed of.

**MAIN CASE:**

By way of present revision petition challenge has been made to the judgment dated 15.04.2017 passed by the Court of Additional Session Judge, Karnal, whereby, though conviction of accused persons/private respondents dated 11.06.2015 passed by Trial Court has been upheld but order of sentence dated 12.06.2015 has been modified and accused persons are ordered to be released on probation for a period of one year.

Brief facts of the case are that on 05.01.2010 a telephonic

Singh sustained injuries in a quarrel and was got admitted in Civil Hospital Indri, who was later referred to General Hospital Karnal for X-Ray. Petitioner/Injured Jagmal Singh met the IO at Civil Hospital Indri and got recorded his statement that he being resident of Village Labkhari, on 05.01.2010 had gone to his field because two day ago Ran Singh s/o Somnath and Somnath both resident of village labkheri cut trees from his fields, when he was coming back from his fields and reached near the fields of Raju s/o Balbir, then Ran Singh, Somnath, Ramesh and Rahul attacked upon him. Somnath gave a Khunta (Wooden log) blow on his right hand and Ran Singh gave another Khunta blow on his hand, Ramesh gave on his right leg and right shoulder, because of injuries petitioner Jagmal Singh fell down, thereafter Rahul gave Khunta blow on his right hand. All the accused persons caused him several injuries with their respective weapons besides kick blows. Thereafter, all the accused ran away from the spot along with their respective weapons. Thereafter, all the accused ran away from the spot along with their respective weapons. Thereafter, uncle of Jagmal Singh arranged a vehicle and got him admitted in Civil Hospital Indri where petitioner was medically examined by the doctors and was referred to Govt. Hospital Kamal for X-Ray, where he met the police official and got recorded his statement.

On the basis of his statement, FIR No.28 dated 22.01.2010 under Sections 323, 325 read with Section 34 of the IPC at Police Station Indri Distt. Karnal was registered.

Trial Court vide its judgment dated 11.06.2015, convicted the accused persons/private respondents and vide order of sentence dated 12.06.2015, accused persons were sentenced to undergo 6 months rigorous imprisonment and to pay a fine of Rs.300/- each under Section 323 IPC and in default of fine to undergo simple imprisonment of seven days, further to

undergo 2 years rigorous imprisonment and to pay fine of rs.500/- each under Section 325 IPC and in default to undergo simple imprisonment of ten days.

In appeal filed by the accused persons/private respondents against the aforesaid judgment, impugned order dated 15.04.2017 was passed, vide which though appeal was dismissed and conviction was upheld, however, private respondents were ordered to be released on probation for a period of one year subject to condition of furnishing probation for a period of one year subject to condition of furnishing probation bond of Rs.50,000/- each with one surety each in like amount and also subject to payment of the compensation amount of Rs.10,000/- each to the complainant party.

Present revision petition has been filed impugning this order dated 15.04.2017.

Only submission made by the learned counsel for the petitioner/complainant is that judgment dated 15.04.2017 is liable to be set aside as while releasing the accused/present respondents, the learned appellate Court has failed to assign any reason.

I have heard learned counsel for the petitioner and gone through the paper book but I do not find any substance in the argument raised by the learned counsel for the petitioner. In view of the multiple judgments of this Court as noted by the appellant, it is apparent that assigning special reasons by the Court is only mandatory when the benefit of the probation is not being granted in case of first offenders and not otherwise. Also the reasons cited in those authorities are also present in the case in hand as well as is clear from the following:

- i. The incident in this case is of 05.01.2010 and accused persons have already faced agony of protracted trial and appeal.

- ii. They were first offenders and there is no history of their previous conviction.
- iii. The antecedent and credentials of the private respondents are such that they have not been found involved in any other case.

Further it is not the case of the petitioner that persons/private respondents are in anyway not keeping the peace or threatening him or even have indulged themselves in any other incident against the petitioner.

Therefore, in view of the aforesaid discussion, revision petition having no merits is dismissed.

Pending miscellaneous application(s), if any, shall also stand disposed of.

**(HARKESH MANUJA)**  
**JUDGE**

**23.03.2022**  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |