



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3072-2017 (O&M)
DECIDED ON: 03.09.2024

OM PARKASH

.....PETITIONER

VERSUS

STATE OF HARYANA & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S. S. Khurana, Advocate
for the petitioner (through hybrid mode).

Mr. B.S. Virk, Sr. DAG, Haryana.

None for respondents No.2 to 5.

SANDEEP MOUDGIL, J (ORAL)

A request has been received from learned counsel for the petitioner to take up the matter through video conferencing mode.

Prayer is accepted.

CRM-27598-2017

Prayer in this application is for condonation of delay of 14 days in filing the present revision petition.

In view of the assertions made in the application, the same is allowed subject to all just exceptions. Delay of 14 days in filing the present revision petition is condoned.

The application stands disposed of.

CRR-3072-2017

1. Present revision petition has been preferred by the complainant seeking modification of the impugned judgment vide which accused/convicts (4 of them) were released on probation who were convicted vide judgment dated 18.04.2017 passed by learned Additional Sessions Judge, Rewari. They were tried in FIR No.75, dated 24.04.2009, under Sections 323, 325, 34 IPC and were convicted under the same and was subsequently released on probation under Section 360 Cr.P.C. and were directed to pay Rs.5000/- each as compensation to complainant namely Om Parkash.

2. Learned counsel for the petitioners vehemently argues that the four private respondents though have been convicted for the offences under Sections 323 & 325 read with Section 34 of the IPC but have wrongly been given the benefit of release on probation whereas they should have been sentenced to undergo imprisonment and to pay fine.

3. Learned counsel for the petitioners has further argued that there was sufficient and reliable evidence on record proving the commission of offence under Sections 323 & 325 read with Section 34 IPC by the private respondents. It was also contended that the learned trial Court erred in law by giving benefit of probation to the convicts, which will encourage them to repeat such offences and result in criminalization of the society.

4. On the other hand, learned State counsel has supported the case of the petitioners but has failed to show any cogent evidence against the present petitioners.

5. I have heard learned counsel for the parties.

6. Perusal of the impugned judgment would show that certain material discrepancies have been recorded in the case of the prosecution which have been specifically mentioned at Para Nos.18 & 19 and have therefore prayed that a lenient view in the matter of sentence be taken and they be released on probation.

7. This Court without further going into the merits of the present revision petition would first like to have a glance of objectives and principles of criminal law as envisioned in the provision of probation, apart from deterrence against committing crime against society, are inter-alia focused on the reformation of offenders, which inheres the concept of probation. Modern criminal justice system often aims to balance punishment with rehabilitation, emphasizing the potential for positive change in individuals who have committed crime. The goal of criminal law extends beyond mere punishment. While punishment serves to deter and hold individuals accountable for their actions, there is a growing recognition of the importance of addressing the underlying factors that contribute to criminal behaviour. This perspective emphasizes the potentials of offenders to reform and reintegrate into society as law-abiding citizens. Probation is one of the mechanisms used to achieve this reformation objective. In certain cases, certain offenders may be asked to remain under community supervision rather than being incarcerated. During such probation period, the offender can be put to follow certain conditions, such as regular reporting to a probation officer, participating in counselling or treatment programs and maintaining employment or education. The aim is to provide support, guidance and opportunities for the offender and to address the root causes of their criminal behaviour and develop positive life skills. Close monitoring

and guidance provided during probation can help the offender make positive changes in their life and reduce the likelihood of reoffending.

8. Overall, the concept of focusing on reformation and using alternatives to imprisonment, such as release on probation, reflects a more holistic approach of criminal justice that takes into account the potential for positive change and the overall betterment of both the individual and society.

9. Probation can thus also be termed as an alternative form of punishment envisaged within the criminal justice system. Considering the fact that since seven years have elapsed after the quarrel between the parties and the fact that the parties have not quarrel with one another at any time and they are first time offenders added with the fact that also the nature of offence is not grievous, this Court is of the view that the order passed by the Additional Sessions Judge, Rewari requires no interference from this Court as the same is based upon on the proper appreciation of the facts and evidence led before it and also the aim of criminal law is reformatory in nature.

10. Hence, the present revision petition stands dismissed.

03.09.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No