



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-1144-2024 (O&M)
Reserved on : 15.07.2024
Pronounced on :- 19.07.2024

GIAN SINGH AND OTHERS

....Petitioners.

Versus

STATE OF PUNJAB

....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Amrit Paul Nahar, Advocate for the petitioners.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.

1. Instant Revision Petition has been preferred against the impugned judgment dated 07.05.2024 passed by learned Additional Sessions Judge, Hoshiarpur, whereby the appeal preferred by the petitioners against the judgment and order of sentence dated 22.10.2019 passed by learned Judicial Magistrate Ist Class, Hoshiarpur, convicting the petitioners for offences punishable under Sections 323, 324, 325, 148 and 149 of IPC in case FIR No. 103 dated 06.08.2015 registered at P.S. Mehtiana, District Hoshiarpur was disposed of by modifying the conviction and order of sentence under Section 325 read with Section 149 of IPC and sentence undergone, the petitioners were ordered to be released on probation subject to payment of compensation.



2. Brief facts of the present case are that the FIR was registered on the statement of Jagir Singh stating that on 23.07.2015 at about 6:15 pm while he was coming back from his fields, on the way, Rajinder Singh @ Raju, Darbara Ram, armed with Kirpan, Dipty armed with Kirpan, Gugu, Ghaga and three unidentified persons intercepted him. Guggu raised Lalkara to catch hold of the complainant whereupon Rajinder Singh gave two Kirpan blows on his head, Dipty gave Kirpan blow on the rear side of head due to which he fell down and Gian, Ghuggu Ghugga and other 3 unidentified persons gave kick and leg blows, thereafter Dipty again gave kirpan blow on the wrist and Rajinder Singh gave kirpan blow on the right shoulder, on raising alarm all the assailants fled away from the spot alongwith their respective weapons. After arranging vehicle injured was shifted to hospital. On the above allegations, FIR was registered.

3. After completion of investigation, challan was presented in Court and the trial commenced. The prosecution adduced evidence and after conclusion of trial, the learned trial Court after hearing the arguments passed the judgment of conviction and order of sentence dated 22.10.2019.

4. The petitioner challenged the judgment of conviction and order of sentence dated 22.10.2019 in the Court of learned Additional Sessions Judge, Hoshiarpur and vide the impugned judgment the conviction of petitioners was modified to offences under Section 325 read with Section 149 IPC and the petitioners were ordered to be released on probation vide order dated 07.05.2024 but failing to deposit the requisite probation bond and compensation amount, vide another order dated 07.05.2024 passed by learned Additional Sessions Judge, Hoshiarpur, the petitioners were ordered



to undergo sentence awarded. Hence the petitioners have assailed the same in the present revision petition.

5. It is *inter alia* contended by learned counsel for the petitioner that the petitioners are innocent and have been falsely implicated in this case. He submits that while modifying the order of sentence learned Additional Sessions Court vide order dated 07.05.2024 imposed condition for the convicts to be released on probation on their furnishing probation bonds in the sum of ₹50,000/- with one surety each, in the like amount for period of three years and also directed to pay compensation amounting to ₹5000/- each to PW-1 Jagir Singh (injured) within a month. He submits that petitioners were not able to furnish the surety bonds due to their all family members being behind bars. He submits that now in compliance of the orders passed by this Court, compensation amount of ₹20,000/- has been deposited by the petitioners vide receipt dated 08.07.2024 and the petitioners are also ready to furnish the requisite probation bonds. Hence he prays for setting aside/ modification of the impugned orders.

6. Per contra, learned State counsel has submitted that the petitioners have rightly been convicted vide impugned judgment of conviction and order of sentence does not suffer from any infirmity. He submits that on the petitioners failing to furnish the probation bonds in the sum of ₹50,000/- with one surety in the like amount each and the compensation amount of ₹5000/- each, petitioners were ordered to undergo sentence awarded. He however, admitted that during pendency of the present revision petition, petitioners have deposited the compensation amount of ₹20,000/-.



7. After considering the respective submissions and perusing the record, it transpires that after the conclusion of trial, the learned Judicial Magistrate, First Class, Hoshiarpur had vide judgment dated 22.10.2019 convicted the petitioners for having committed offences punishable under Section 232, 326, 149 IPC and sentenced them to undergo rigorous imprisonment for a period of 6 months for offences under Section 323 IPC read with Section 149 IPC and Rigorous imprisonment for 2 years for offences under Section 326 read with Section 149 IPC and also fine of ₹2000/-.

8. During the course of appeal, the learned appellate Court while passing the impugned judgment modified the judgment thereby convicting the petitioner for offences under Section 323 read Section 149 and Section 325 read with Section 149 IPC and while disposing of the appeal ordered to the petitioners to be released on probation on their furnishing requisite probation bonds and also ordered to pay compensation to the victims.

9. It is evident from the perusal of the impugned judgment that once the appeal has been disposed of with the aforesaid order of releasing the petitioners on probation and ordering them to pay the compensation, the appellate Court again passed the order sentencing the petitioners to undergo the sentence for the offences modified by it on their failure to furnish the requisite probation bonds.

10. During course of hearing neither the counsel for the petitioner nor the learned State counsel has in any manner been able to point out any infirmity in the impugned judgment passed by learned Sessions Judge, Hoshiarpur so as to call for any interference therein. The perusal of the



impugned judgment would reveal that the learned Court has correctly appreciated the evidence on record in arriving at a conclusion that the judgment passed by learned Magistrate First Class, Hoshiarpur require modification qua the offences and has lawfully modified the same for the offences under Section 323/149 and 325/149 IPC, accordingly the impugned judgment to this extent is affirmed.

11. During the course of proceedings the petitioners have deposited the compensation amount of ₹20,000/- and have produced on record the receipt thereof, which has been done in terms of the order dated 07.05.2024, passed by learned Sessions Judge, Hoshiarpur, the petitioners are also ready to furnish the requisite probation bonds and surety bonds.

12. From the perusal of the impugned order, it transpires that the learned Sessions Judge has infact ordered the release of the petitioner on probation and also ordered them to pay the compensation to the victim. However, as the petitioners were not in a position to furnish the probation bonds with surety and to pay the compensation at that time, the appellate Court had passed the order sentencing the petitioners to custody to undergo the sentence awarded.

13. Considering all these circumstances, in the light of the facts mentioned above, the ends of justice would be meet if the petitioners are ordered to be released on their furnishing their probation bonds and the requisite sureties as they have already deposited the compensation amount, therefore, in these circumstances in the interest of justice the present petition is hereby disposed of, ordering the release of the petitioners on probation on their furnishing the probation bonds in the sum of ₹50,000/- with one surety



in the like amount each, for period of three years with undertaking that they will keep peace and be of good behavior, not to commit such like offence in future and to receive sentence as and when called to do so.

14. Copy of this order be communicated to the concern Court for immediate compliance.

15. Accordingly the revision petition is disposed of in the above terms.

16. Pending miscellaneous application(s), if any, stands disposed of.

		(SANJIV BERRY)
		JUDGE
19.07.2024		
Gyan	i) Whether speaking/reasoned?	Yes/No
	ii) Whether reportable?	Yes/No