

2024:PHHC:154732



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

224

CRR-2291-2019
DECIDED ON: 19.07.2024

HANS GIR

... PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J.

1. The present criminal revision petition has been preferred against the impugned judgment dated 03.06.2019 passed by Additional Sessions Judge, Sangrur vide which the appeal preferred against the judgment of conviction and order of sentence dated 13.02.2017 has been modified and respondents No.2 to 5 are ordered to be released on probation in FIR No. 56, dated 07.04.2013, under Sections 325, 323, 341, 506 and 34 IPC, registered at Police Station Mona.

2. The case of the prosecution is that on April 7, 2013, Hans Gir filed a complaint stating that on April 6, 2013, he was attacked by several individuals while driving his scooter. The assailants, who were traveling in a Tata Sumo vehicle, stopped in front of him and began assaulting him with baseball clubs and dandas. The attack was allegedly a retaliation for Hans Gir's objection to

loud music being played by the accused, Sukhvinder Singh and Ritu Singh, at a Dharamshala near his residence the previous night. The accused were arrested, and during the investigation, they revealed the identity of an unknown accomplice, Lakhwinder Singh alias Lakhi. The police recovered weapons and the Tata Sumo vehicle used in the attack and filed a challan against the accused.

3. Learned counsel for the petitioner has contended that the lower Appellate Court has not taken into consideration the fact that respondents Nos.2 to 5 have caused grievous injuries to the petitioner with their respective deadly weapons. He further contends that the lower Appellate Court erred in converting their sentence to probation under the Probation of Offenders Act, 1958. The Appellate Court overlooked the fact that when respondents No.2 to 5 did not raise arguments against their conviction or sentence. Thus, their sentence should have been affirmed. The Appellate court relied on Sections 3 and 4 of the Probation of Offenders Act, 1958, to release respondents No.2 to 5 on probation. However, it failed to consider the respondents' conduct and the severity of the attack. It also failed to consider the fact that respondents No.2 to 5 were threatening the petitioner after their release. The provisions of the Probation of Offenders Act, 1958, which require a probation officer's report before granting probation and in the present case no such report was called for. The Appellate Court's decision is erroneous, contrary to statute, and liable to be set aside.

4. Learned State counsel has contended that the trial Court has wrongly release the respondents No.2 to 5 on probation as there is specific allegations against the accused persons that they have caused grievous injuries to the petitioner with their deadly weapons, as such the impugned judgment of acquittal deserves to be set aside.

5. Heard.
6. After reviewing the record, it is clear that respondents No. 2 to 5 have been placed on probation, in light of the fact that they are first-time offenders and belong to respectable families. Thus, it would not be in the interests of justice to put them in jail. Furthermore, it is well-established law that a first-time offender should not be placed with a hardcore criminal; instead, they should be released on probation to allow them the chance to change. Nothing in the evidence indicates that respondents No. 2 to 5 have engaged in any additional behavior following the current incident and have already endured the hardship of a drawn-out trial for a significant amount of time.
7. In view of discussions made hereinabove, this Court does not find any merit in the present revision petition, as such the same is dismissed being devoid of any merits.
8. Dismissed.

19.07.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No