

265

IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

CRR-2414-2022
Decided on: 11.03.2024

Sachin Kumar

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajinder Singh Rana, Advocate
for the petitioner.

Manjari Nehru Kaul, J. (Oral)

The present petition has been filed impugning the judgment dated 21.07.2022 passed by learned Sessions Judge, Faridkot vide whereby it upheld the judgment dated 25.11.2019 passed by Chief Judicial Magistrate, Faridkot wherein respondents-accused were convicted and sentenced as under:

Offence	Name of the accused	Imprisonment	Fine	Imprisonment in default of fine
Section 325 IPC	Amandeep Singh @ Raju	R.I. for one year	Rs.500/-	RI for two months
Section 325/34 IPC	Jagdeep Singh @ Bhola and Manjit Singh	RI for one year for each	Rs.500/-	RI for two months
Section 323 IPC	Jagdeep Singh @ Bhola and Manjit Singh	RI for six months each	Rs.200/-	RI for one month
Section 323/34 IPC	Amandeep Singh @ Raju	RI for six months	Rs.2500/-	One month

All the sentences were to run concurrently.

2. Learned counsel for the petitioner *inter alia* contends that the learned Appellate Court rightly upheld the judgment passed by the learned CJM, Faridkot holding the accused persons guilty of offences under Sections 325, 323 and 34 IPC, however, it erred in wrongly releasing all the accused persons on probation for a period of one year along with the following conditions:

- (i) to appear in the Court to undergo sentence as and when they are called upon to do so.
- (ii) not to breach peace or to do any act on account of which peace is breached;
- (iii) and be of good conduct and not to commit any offence.

Learned counsel has further asserted that since the case of prosecution had been proved beyond reasonable doubt as the ocular testimony of the complainant found due corroboration with the medical evidence on record, the impugned judgment dated 21.07.2022 deserved to be set aside. Rather the accused-respondents deserved to be sentenced to the maximum as prescribed for offences under Section 325 IPC.

3. Heard learned counsel for the petitioner and perused the relevant material on record including the impugned judgment.

4. As per the case of the prosecution, on 29.11.2015, on receipt of the MLR of the petitioner/complainant Sachin, ASI Baljit Singh reached GGS Medical College and Hospital, Faridkot. On arrival at the hospital, the statement of the petitioner-complainant was recorded wherein he stated that while visiting the shop of his father-in-law he encountered

respondent-accused No.3 Amandeep Singh @ Raju, a dispute arose between them with respect to some money, which led to a verbal altercation between them. Later, his father-in-law pacified them and sent them way. However, later, respondent No.3 accompanied by co-accused Manjit Singh @ Giani and his brother Jagdeep Singh @ Bhola attacked the petitioner-complainant, damaging his car and also causing him injuries. The motive as spelt out in the FIR was stemming from accused Raju's refusal to repay the money. The accused thereafter physically assaulted the petitioner-complainant. Injury No.1 sustained by the petitioner was opined to be grievous in nature, which was a fracture of one of his teeth, while two other injuries sustained by the petitioner-complainant were opined to be simple in nature.

5. Admittedly and as not disputed, both the parties are closely related being first cousins. The injury attracting the mischief of Section 325 IPC was fracture of tooth of the petitioner-complainant. All other injuries were opined to be simple in nature. This Court does not find any infirmity with the impugned order whereby the accused were released on probation subject to certain conditions. It has not been disputed by the learned counsel for the petitioner as well as learned State counsel that in the preceding years after the occurrence in question, the accused have maintained good conduct and have not been involved in any other criminal case. It has also not been disputed that after the passing of the impugned order, which was contingent to certain conditions, the accused had not misused the those conditions. The accused, admittedly, had been facing the agony of a protracted trial since the year 2015.

Hence, sentencing them and sending them behind bars at this stage, would serve no useful purpose as it cannot be overlooked that the ultimate goal of the criminal justice system in a modern civilized society is to attempt at the reformation of the offender. Incarceration may not always be necessitated in every case when the offender has had an opportunity to repent for his/her wrongs. This Court in the aforementioned circumstances does not find any reason to interfere with the impugned judgment passed by the Appellate Court.

6. As a sequel to the above, the present petition being devoid of any merit stands dismissed.

11.03.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No