

231 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-1842-2016
Date of Decision: 21.03.2024

Taro ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Mr. R.K. Saini, Advocate
for the petitioner.

Mr. Ashok K. Sharma, Advocate
for respondents no. 2 to 5

Mr. Vikas Bharadwaj, AAG, Haryana

Harpreet Singh Brar, J. (Oral)

1. The present revision petition is preferred against the judgment dated 20.02.2016 passed by learned Additional Sessions Judge, Karnal whereby the judgment of conviction dated 06.12.2013 passed by learned Judicial Magistrate Ist Class, Karnal in criminal complaint no. 1860/2013 dated 18.07.2008 filed under Section 323, 452, 506, 34, 120-B of the IPC, was upheld and order of sentence was modified to grant the concession of probation to the respondents-accused.

2. Briefly, the facts are that on 11.05.2008, the respondents-accused forcibly entered the house of the petitioner-complainant and threw her household goods out while threatening to kill her if she steps out of her house. The petitioner reported the matter to Police Station Gharaunda, she found all the respondents-accused inside her house, armed with *laathis*. Randhir dealt a *laathi* blow on the head of the petitioner while Naresh gave a *laathi* blow on

her right arm, Kishni gave a *laathi* blow on her left leg as Rekha caught hold of her from the back. The petitioner raised alarm causing her husband namely Ishwar Singh and her children to come out of the house, who were also dealt *laathi*, fist and kick blows. On hearing the commotion, Tara Chand, Santosh and the neighbours came to the spot, causing the respondents-accused to flee from the scene.

3. On assessing all the material available on the record, the learned trial Court convicted the respondents-accused vide judgment dated 06.12.2013 and sentenced them for commission of offences under Sections 323, 452 read with 34 of the IPC vide order of sentence dated 07.12.2013. Aggrieved by the same, the respondents-accused preferred an appeal before the learned lower Appellate Court which wherein the judgment of conviction was upheld but the order of sentence was modified to extend the concession of probation to the respondents-accused vide judgment dated 20.02.2016.

4. Learned counsel for the petitioner contends that the learned Court below fell into error by modifying the sentence of the respondents to three months of probation as the same is based on untenable grounds. The charges against the respondents-accused stand duly proven by all the prosecution witnesses and as such, the learned Court below ought not to have granted the benefit of probation to them. Further, the learned Court below had awarded Rs. 20,000/- as compensation payable to the petitioner and her husband, which is on the lower side and deserves enhancement in view of the injuries sustained.

5. Learned counsel for the respondent-accused supports the impugned judgments and submits that the respondents-accused were correctly granted the benefit of probation for their good conduct on furnishing probation

bonds in the sum of Rs. 25,000/- each with one surety which serves the ends of justice.

6. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the respondents-accused have maintained good conduct and do not have criminal antecedents. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society. A Co-ordinate bench of this Court in *Nasri v. State of Haryana 2023(2) Law Herald 2203*, speaking through Justice Arun Monga, made the following observations:

“11.2. Objectives and principles of criminal law as envisioned in the provision ibid, 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 re-integrate 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 report-

ing 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 re offending.”

7. In view of the facts and circumstances of the case, this Court finds no perversity or illegality in findings recorded by the learned Courts below which warrants interference. Hence, the instant revision petition stands dismissed.

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

21.03.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No