

**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**

		506/34 IPC	To undergo SI for six months
		201/34 IPC	To undergo SI for one month
2	Mohd. Ramzan	341/34 IPC	To undergo SI for one month
		324 IPC	To undergo RI for three years
		323/34 IPC	To undergo SI for six months
		506/34 IPC	To undergo SI for six months
		201/34 IPC	To undergo SI for one month
3	Modh. Shafiq	341/34 IPC	To undergo SI for one month
		324 IPC	To undergo RI for three years
		323/34 IPC	To undergo SI for six months
		506/34 IPC	To undergo SI for six months
		201/34 IPC	To undergo SI for one month
4	Mohd. Shahid	341/34 IPC	To undergo SI for one month
		324 IPC	To undergo RI for three years
		323/34 IPC	To undergo SI for six months
		506/34 IPC	To undergo SI for six months
		201/34 IPC	To undergo SI for one month

All the sentenced were ordered to run concurrently.

3. As per the case of prosecution, on 10.01.2017 when the injured complainant Abdul Rasheed was present and working outside his shop, his neighbours i.e. accused-respondents namely Mohd. Ishfaq and Mohd. Ramzan entered into a quarrel with Harpreet Kaur. On hearing their noise, when he came out of his shop to help Harpreet Kaur, the accused-respondents without any provocation assaulted him as well as his niece, as a result of which, both the complainant-injured and his niece received many injuries on their person. Since all the prosecution witnesses including the injured-complainant and his niece while stepping into the witness box supported the case of the prosecution the trial Court vide order dated 25.04.2019 convicted the respondents-accused as already detailed hereinabove. The Lower Appellate Court vide judgment dated 04.05.2022 partially allowed the appeal and extended the

concession of probation to the accused-respondents in view of the nature of the injuries and the factum of the accused and the complainant being immediate neighbours. Hence, the present petition.

4. Learned counsel for the petitioner *inter alia* contends that the Lower Appellate Court had gravely erred in extending the concession of probation to the respondents and had misread the evidence on record. It has been argued that despite there being cogent evidence qua the role and participation of the respondents-accused, the Appellate Court fell into error in ordering the release of accused on probation. Furthermore, no compensation was also ordered to be awarded to the petitioner, who had admittedly received injuries at the hands of respondents-accused.

5. Learned counsel for the respondents while controverting the submissions made by the counsel opposite has submitted that the impugned order did not warrant any interference and learned Appellate Court had ordered the release of the respondents-accused on probation after taking into account that they were first time offenders and the parties were immediate neighbours. Therefore, a prayer has been made for dismissal of the instant revision petition.

6. Heard learned counsel and perused the relevant material available on record.

7. After considering the submissions made by the parties as well as on the perusal of the impugned order, this Court is not inclined to allow the instant petition especially considering the familial responsibilities and good conduct of the respondents-accused during and after the conclusion of the trial. It is further worth noting that the occurrence in question took

place in the year 2017 and the respondents-accused has thus, endured prolonged legal proceedings ever since then; it has not been disputed by the State counsel as well, that ever since then, the respondents-accused have maintained good conduct and have not been involved in any other untoward incident or criminal case. Admittedly, the injuries sustained by the petitioner and his niece were opined to be simple in nature as per the report of PW-6 Dr. Inderjit Singh.

8. In a modern society, the ultimate aim of punishment is reformation, and incarceration is not always necessary, if the offender has shown remorse and exhibited responsible behaviour thereafter.

9. As a sequel to the above, no ground is made out to interfere with the impugned order passed by the Lower Appellate Court. Accordingly, the present petition stands dismissed.

10.04.2024
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(MANJARI NEHRU KAUL)
JUDGE

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