

CRR-728-2019 (O&M) and one more case

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**245 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRR-728-2019 (O&M)
Date of Decision: 24.02.2025**

RAJ KUMARI **...Petitioner**
V/S

SURESH AND OTHERS **...Respondents**

**CRR-2936-2019 (O&M)
Date of Decision: 24.02.2025**

RAJ KUMARI **...Petitioner**
V/S

STATE OF HARYANA AND OTHERS **...Respondents**

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mohit Khatkar, Advocate for
Mr. Rahul Deswal, Advocate for the petitioner(s).

Mr. Ramesh Kumar Ambavta, AAG Haryana.

Mr. Arpandeeep Narula Advocate and
Mr. Piyush Mittal, Advocate and Ms. Jyoti Kumari, Advocate
for respondents No. 1 to 6 in CRR-728-2019 and
for respondents No. 2 to 7 in CRR-2936-2019.

HARPREET SINGH BRAR J. (Oral)

**CRM-34398-2019 in CRR-2936-2019 and CRM-995-2019 in CRR-728-
2019**

Allowed as prayed for.

Delay of 613 days in the filing both the aforementioned
revision petitions, is condoned.

CRR-2936-2019 and CRR-728-2019

1. This order of mine shall dispose of aforementioned two
revision petitions as both the revision petitions have been filed by the same

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petitioner and same judgment of conviction/order of sentence and judgment of learned lower Appellate Court have been challenged.

2. Present revision petitions are filed against the judgment dated 23.03.2017 passed by learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, whereby the appeal filed by the petitioner(s) for enhancement of sentence of private respondents was dismissed and judgment of conviction dated 04.12.2012 passed by learned Judicial Magistrate Ist Class, Yamuna Nagar at Jagadhri was upheld and order on quantum of sentence dated 05.12.2012 was modified/partly accepted to the extent that accused-respondent-Ashok was acquitted of the charges levelled against him and remaining accused persons were released on probation for a period of one year on furnishing probation bond in the sum of Rs. 20,000/- with one surety in the like amount.

3. Learned counsel for the petitioner(s), wishes to withdraw the present petitions and confines his prayer to the extent that while granting the benefit of probation to private respondents, the provisions under Section 5 of Probation of Offenders Act were not invoked and it is a trite law that while granting the benefit of Sections 3 and 4 of Probation of Offenders Act, the provision of Section 5 of the aforesaid Act shall also be made applicable as the complainant-petitioner(s) has also suffered the agony of trial.

4. In view of the above, present petitions are dismissed as withdrawn.

5. However, the plight of the complainant-petitioner(s) and the loss suffered by her cannot be overlooked. Significantly, the complainant



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had suffered injuries substantial enough to attract offences punishable under Sections 148, 323 and 326 read with Section 149 of Indian Penal Code. The complainant has as much of a right to a free, fair and speedy trial, as does an accused. Keeping in mind the same, the legislature, in its wisdom, has provided for a compensatory mechanism in the form of Section 5 of the Probation of Offenders Act, 1958, which is reproduced below:

Section 5. Power of court to require released offenders to pay compensation and costs.—

(1) The court directing the release of an offender under section 3 or section 4, may, if it thinks fit, make at the same time a further order directing him to pay—

(a) such compensation as the court thinks reasonable for loss or injury caused to any person by the commission of the offence; and

(b) such costs of the proceedings as the court thinks reasonable.

(2) The amount ordered to be paid under sub-section (1) may be recovered as a fine in accordance with the provisions of sections 386 and 387 of the Code.

(3) A civil court trying any suit, arising out of the same matter for which the offender is prosecuted, shall take into account any amount paid or recovered as compensation under sub-section (1) in awarding damages.

To balance the rights of the complainant-petitioner(s) with the benefit of probation extended to the private respondents, this Court deems it expedient to direct the private respondents in both the cases to pay compensation of Rs. 15,000/- in each case (total Rs. 30,000/-) to the complainant-petitioner(s) within one month. While compensation can never

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fully redress the suffering endured by the complainant, it is a step toward acknowledging the hardship faced by her, with an aim to meaningfully contribute towards her/his rehabilitation.

6. A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.

24.02.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*