

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

CRR-113-2025 (O & M)
Date of decision: 04.02.2025

...PETITIONERS

V/S

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Nakul Sharma, Advocate for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Kamal Jindal, Advocate for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision is preferred against the judgment dated 03.12.2024 passed by learned Additional Sessions Judge, Ludhiana, whereby the judgment of conviction and order of sentence dated 20.04.2022 passed by the learned Judicial Magistrate Ist Class, Khanna, have been upheld in the case stemming from FIR No.223 dated 17.11.2015 registered under Sections 325/323/34/201 of IPC at Police Station Sadar Khanna, District Ludhiana. The petitioners were sentenced as mentioned below:

Petitioner(s) name	Offence under Section(s)	Sentence
Bhupinder Singh	323 read with 34 IPC	RI for 06 months with a fine of Rs.1,000/- in default of which, to undergo SI for 15 days.
	325 read with 34 IPC	RI for 22 months with a fine of Rs.1,500/- in default of which, to undergo SI for one month.



Nazar Singh	323 read with 34 IPC	RI for 06 months with a fine of Rs.1,000/- in default of which, to undergo SI for 15 days.
	325 read with 34 IPC	RI for 22 months with a fine of Rs.1,500/- in default of which, to undergo SI for one month.
Parminder Singh	323 read with 34 IPC	RI for 06 months with a fine of Rs.1,000/- in default of which, to undergo SI for 15 days.
	325 read with 34 IPC	RI for 22 months with a fine of Rs.1,500/- in default of which, to undergo SI for one month.
It was ordered that all the sentences shall run concurrently.		

2. In brief, the case of the prosecution is that on 04.11.2015, the complainant-cum-injured Jagtar Singh got recorded his statement with ASI Suraaj Din to the effect that due to some land dispute, about which a civil suit is also pending, the petitioners/accused persons gave beatings to him, his wife with their respective weapons i.e. baseball, pipe and iron pipe. Hence, FIR (*supra*) was registered.

3. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. He further contends that no independent witness was cited or examined by the prosecution. Further, there is no record appended with the judicial record or stay order or any document to show that the complainant was irrigating the land from electric motor and there are material contradictions and improvements in the case set up by the prosecution.

4. Mr. Kamal Jindal, Advocate puts in appearance on behalf of the complainant and files his memo of appearance.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant opposes the prayer made by learned counsel for the



petitioners and submits that the petitioners have been convicted by the learned trial Court based on correct appreciation of the facts and the law. Moreover, the conviction has been upheld by the learned lower Appellate Court, as such interference by this Court is not warranted.

6. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it appears that the guilt of the petitioners has been adequately proved and the judgment of conviction does not warrant any interference. However, the petitioners have been facing the agony of trial for the last almost 09 years. According to the custody certificate produced by the learned State counsel, the petitioner Nos.1 and 3 have undergone total custody period of 02 months, and 05 days including remission and petitioner No.2 has undergone total custody period of 02 months, out of the sentence of 22 months imposed upon them. Therefore, in view of their clean antecedents, this Court finds the matter at hand to be a fit case for grant of probation. Sections 3 and 4 of the Probation of Offenders Act, 1958 empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. A two Judge Bench of the Hon'ble Supreme Court in ***Som Dutt and others Vs. State of Himachal Pradesh (2022) 6 SCC 722*** speaking through Justice Bela M. Trivedi, has held as under:-

“6....having regard to the fact there are no criminal antecedents against the appellants, the court is inclined to give them the benefit of releasing them on probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the appellants, it is directed that the appellants shall be released on probation of good conduct.....”



A two Judge Bench of the Hon'ble Supreme Court in ***Lakhvir Singh Vs. State of Punjab (2021) 2 SCC 763*** speaking through Justice Sanjay Kishan Kaul, has held as under:-

“6. We may notice that the Statement of Objects and Reasons of the said Act explains the rationale for the enactment and its amendments: to give the benefit of release of offenders on probation of good conduct instead of sentencing them to imprisonment. Thus, increasing emphasis on the reformation and rehabilitation of offenders as useful and self-reliant members of society without subjecting them to the deleterious effects of jail life is what is sought to be subserved.”

7. In light of the above, this Court finds no infirmity or perversity in the judgment of the learned Appellate Court convicting the petitioners. However, the plight of the complainant and the loss suffered by him cannot be overlooked. Significantly, the complainant endured a statement that he and his wife had suffered injuries, which is substantial enough to attract offences punishable under Sections 323 and 325 of the IPC. 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 with the benefit of probation extended to the petitioners, this Court deems it expedient to direct the petitioners to pay compensation of Rs.10,000/- each (totalling to Rs.30,000/-) to the complainant and his wife i.e. injured. While compensation can never fully redress the suffering endured by the complainant, it is a step toward acknowledging the hardship faced by him, with an aim to meaningfully contribute towards his rehabilitation.

8. Accordingly, the judgment dated 03.12.2024 passed by learned Additional Sessions Judge, Ludhiana is upheld. However, in view of the discussion above, the petitioners are directed to be released on probation on furnishing a personal bond of Rs.20,000/- each with a surety of the like amount. The petitioners are also directed to furnish an undertaking to keep the peace and good behaviour for a period of two years, to the satisfaction of the concerned trial court within a period of two weeks. The petitioners shall remain under the supervision of the concerned Probation Officer during the aforesaid period. It is further directed that if the petitioners fail to comply with the said directions or commit breach of the undertaking given by them, they

shall be called upon to undergo the sentence imposed upon them, as mentioned above.

9. With the aforesaid directions, the present petition is disposed of.
10. Pending miscellaneous application(s), if any, shall also stand disposed of.

February 04, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

- | | | |
|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |