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

**CRR-304-2025 (O&M)
Date of Decision: 24.02.2025**

KULWANT SINGH

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vinod Bhardwaj, Advocate with
Mr. Nipun Bhardwaj, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The present revision petition is preferred against the judgment dated 07.11.2024 passed by learned Additional Sessions Judge, Kaithal whereby, while maintaining the conviction of accused-respondents No. 2 and 3, passed vide judgment dated 26.04.2017 by learned Judicial Magistrate Ist Class, Kaithal, their order on quantum of sentence dated 27.04.2017 has been modified and the accused-respondents No. 2 and 3 have been released on probation.

2. The brief facts of the prosecution case are that on 03.08.2012, a VT message was received at Police Station Kalayat from G.H. Kaithal that injured Kulwant son of Roop Chand, resident of village Kurar has been admitted to Government Hospital, Kaithal due to injuries received in fight. Police party after obtaining medical Rukka and MLR from P.P. G.H. Kaithal obtained the opinion of the doctor regarding injured Kulwant and thereafter recorded his statement, who informed them that he is resident of above said address and do the work of agriculture. On 01.08.2012 at 08:00

PM, he was coming from his fields. When he reached near field of Ruldu

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Ram, (near poultry farm); Balwinder S/o Ruldu Ram and some other boys were sitting there. They were quarrelling and uttering abusive words. On 02.08.2012, complainant went to Ruldu and asked him that his son Balwinder and some other boys were hurling abuses in loud voice. Complainant requested that his family is residing nearby. After some time at about 09:00 a.m. complainant was going to purchase cement and iron bars for his house; Ruldu, Himmat and Balwinder met complainant near the farm. Ruldu caught hold of complainant. Balwinder inflicted '*danda*' blows on his left wrist; saying that they will teach him lesson for complaining against them. He also inflicted second blow by *danda* on his head. Himmat inflicted stick blow on his left leg and another blow on his back with stick. Kulwant raised cries for help. On hearing the same, his wife Naresh came at the spot and the neighbour of fields also came there who saved him from the clutches of assailants. After that Kulwant was taken into CHC Kalayat in some private vehicle by his brother-in-law Jasbir where he was given first aid and referred to GH Kaithal where he was admitted for treatment.

3. Learned Judicial Magistrate Ist Class, Kaithal vide judgment of conviction dated 26.04.2017 convicted the accused-respondents No. 2 and 3 under Sections 323, 325/34 of Indian Penal Code and vide order on quantum of sentence dated 27.04.2017 awarded them substantive sentence of 02 years of rigorous imprisonment along with total fine of Rs. 2,500/- each with default mechanism. However, learned Additional Sessions Judge, Kaithal vide judgment dated 07.11.2024 released the respondents No. 2 and 3 on probation for a period of one year on furnishing requisite bonds in the sum of Rs. 1,00,000/- with surety in the like amount each.

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4. Learned counsel for the petitioner contends that the learned lower Appellate Court fell into error by modifying the sentence of the respondents No. 2 and 3 to probation for a period of one year as the same is based on untenable grounds. The charges against the respondents No. 2 and 3 stand duly proven by all the prosecution witnesses and as such, the learned lower Appellate Court ought not to have granted the benefit of probation to them.

5. Learned State counsel supports the impugned judgments and submits that the respondents No. 2 and 3 were correctly granted the benefit of probation for their good conduct on furnishing probation bonds which serves the ends of justice.

6. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that learned lower Appellate Court has opined that respondent No. 2 was 63 years of age at the time of passing of judgment and suffering from old age ailments and both the private respondents had neither been previous convict nor indulged in any other criminal activity during the period of conviction and trial of the case. Moreover, they had faced the agony of trial for a period of more than 12 years. Thus, learned lower Appellate Court rightly released the respondents No. 2 and 3 on probation for a period of one year as per Section 04 of Probation of Offender's Act and given them a chance to reform themselves.

7. The respondents No. 2 and 3 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



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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 reintegrate 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 reporting 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.”

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

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

24.02.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No