

CRR-1581-2019 (O&M)

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

CRR-1581-2019 (O&M)

Date of Decision: 28.01.2025

VIDYA RANI

...Petitioner

Versus

BALDEV SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Grewal, Advocate
for the petitioner.

Mr. Piyush Setia, Advocate for
Mr. Ashok Pal Batra, Advocate for respondents No. 1 to 5.

Mr. Nitesh Sharma, DAG Punjab.

Harpreet Singh Brar, J. (Oral)

CRM-20258-2019

Allowed as prayed for and delay of 33 days in filing the
accompanying revision petition is condoned.

CRR-1581-2019

1. The present revision petition is preferred against the judgment dated 20.10.2018 passed by learned Additional Sessions Judge, SAS Nagar Mohali whereby the judgment of conviction dated 04.07.2016 passed by learned Judicial Magistrate Ist Class, Dera Bassi in FIR No. 07 dated 23.01.2014 registered under Sections 323, 325, 148, 149 of Indian Penal Code at Police Station Lalru was upheld and order of sentence dated 04.07.2016 was modified to grant the concession of probation to the accused persons-private respondents.

2. As per prosecution story, on 22.12.2013, complainant Vidya Rani wife of Balwinder Singh got recorded her statement before HC Krishan Chand to the effect that on 20.12.2013 at about 4.30 p.m, she had gone to prepare

cowdung cakes, where Baldev Singh and Ajaib Singh-respondents No. 2 and 3 asked her not to prepare cowdung cakes, as a civil litigation is pending in the court. In the meantime Baldev Singh picked up the spade and gave a blow upon her right wrist, while accused Ajaib Singh pushed her on the ground. The wives of Baldev Singh and Ajaib Singh namely Paramjit Kaur and Malkiat Kaur i.e. respondents No. 4 and 5 came at the spot and they also dragged her. She raised hue and cry "bachao bachao" upon which, her daughter Sukhwinder Kaur and son Bahadur Singh came at the spot. Many other people also came at the spot and on seeing the gathering there, all the accused persons ran away from the spot. Her son Bahadur Singh arranged a car and took her to Civil Hospital, Dera Bassi and got admitted there. The motive behind the occurrence is that a case is pending in the court and the accused persons forced her to withdraw the said case. On the basis of the above said statement, the present case was registered and the investigation was started. Accused persons were arrested. After completion of investigations and other necessary formalities, challan was prepared and presented in the court on 27.3.2014.

3. On assessing all the material available on the record, the learned trial Court vide judgment dated 04.07.2016 and order of sentence of even date convicted the private respondents-accused for offence under Sections 323, 325 read with Section 148 and 149 of Indian Penal Code and awarded them substantive sentence of simple imprisonment for a period of two years and were further directed to pay fine of Rs. 500/- each. Aggrieved by the same, the private respondents-accused preferred an appeal before the learned lower Appellate Court wherein the judgment of conviction was upheld but the order of sentence was modified to extend the concession of probation to the private respondents-

accused vide judgment dated 20.10.2018.

4. Learned counsel for the petitioner-complainant contends that the learned lower Appellate Court fell into error by modifying the sentence of the private respondents to probation for a period of one year as the same is based on untenable grounds. The charges against the private 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.

5. Learned State counsel assisted by learned counsel for respondents No. 1 to 5 supports the impugned judgment and submits that the private respondent-accused 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 with their able assistance, it transpires that private respondents-accused have maintained good conduct and does 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.

7. Section 3 and 4 of the Probation of Offenders Act empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. Similarly, Sections 360 and 361 of the Cr.P.C also 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

“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.”

8. Learned Additional Sessions Judge, SAS Nagar, has invoked the provisions of Section 357(3) of Cr.P.C. and awarded Rs. 30,000/- as compensation to the petitioner.
9. 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.
10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

28.01.2025
Ajay Goswami

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