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

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CRR-311-2019(O&M)
Decided on : 27.10.2025

Dalbir Singh and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

PRESENT: Mr. K.S. Dhaliwal, Advocate for the petitioners.

Mr. Amrik Narwal, AAG, Haryana.

AMAN CHAUDHARY, J.

1. The present revision petition has been preferred by the petitioners against the judgment dated 15.01.2019, passed by the Ld. Addl. Sessions Judge, Fatehabad, affirming the judgment/order of conviction by trial Court on 19/22.12.2016.

2. Briefly stated, the facts of the case are that on 26.06.2012, at about 5:30 p.m., the complainant was seated outside a room constructed in his agricultural field. At that time, accused-Bhisham, Sandeep, and Munna arrived at the spot on a motorcycle. Bhisham, armed with a gandhasi, inflicted a blow on the complainant's right knee, whereas Munna and Sandeep, each carrying a lathi, caused injuries to his left wrist and left leg, respectively. In the meantime, co-accused Dalbir, Mandeep, and Pardeep also reached the scene and assaulted the complainant with lathis. When the complainant's son and nephew attempted to intervene, they too were attacked. Dalbir struck his son on the left hand, while



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Pardeep inflicted a lathi blow on the right hand of the nephew. Consequently, an FIR was registered against the accused persons.

3. After completion of the investigation, a final report under Section 173 of the Cr.P.C. was submitted before the trial Court against the accused-petitioners. Upon finding a prima facie case, charges under Sections 323, 324, and 325 of IPC were framed against them, to which they pleaded not guilty and claimed trial.

4. In order to bring home the guilt of the accused-petitioners, the prosecution examined as many as seven witnesses. Upon closure of the prosecution evidence, their statements were recorded under Section 313 Cr.P.C. They denied all the incriminating circumstances appearing against them in the prosecution case and pleaded false implication by the police. In their defence, they examined DW-1 Inder Panch and DW-2 Narinder.

5. Dissatisfied by the same, appeal was filed by the accused-petitioners, which was dismissed by learned Additional Sessions Judge, Fatehabad.

6. Hence, the present revision petitions.

7. Learned counsel, at the very outset submits that the petitioners do not wish to press the revision petition on merits and confine their prayer to seeking the benefit of probation, in view of the circumstances that they are first-time offenders have no other earning members in their families, belong to the economically weaker section of society and no other case stands registered against them.

8. Learned State counsel submits that the trial Court, upon proper appreciation of the evidence adduced by the prosecution, has rightly convicted the accused-petitioners and the said conviction has been duly affirmed by the learned Appellate Court. Accordingly, he prays for dismissal of the present revision petitions.



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9. Heard learned counsel on either side.

10. After hearing learned counsel for the parties and evaluating the evidence on record, the trial Court held that the prosecution had proved its case beyond reasonable doubt, establishing the guilt of all eight accused, who were accordingly convicted and sentenced as detailed in paragraph No. 1 above, as the record established the injuries suffered by the complainant party, as reflected in the medico-legal reports of Kalu, Jai Bhagwan, and Dharambir (Ex.PW6/B, Ex.PW6/C, and Ex.PW6/D). The testimony of PW1, Head Constable Dharampal, the Investigating Officer, further corroborates the prosecution version and supports the police proceedings. The lower appellate Court, upon reappraisal of the material on record, affirmed the conviction, while dismissing the appeal. It is pertinent to note that the sentence of the accused-petitioners was suspended by this Court vide order dated 05.02.2019, subject to the condition of them depositing Rs. 10,000 each as compensation before the concerned Magistrate, which was complied with and they were released on 07.02.2019.

11. As regards the prayer for release on probation made on behalf of the petitioners is concerned, it would be apposite to make a reference to Section 4 of the Probation of Offenders Act, 1958, which reads thus:

“4. Power of Court to release certain offenders on probation of good conduct.-

(1) When any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the Court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period, not



exceeding three years, as the Court may direct, and in the meantime to keep the peace and be of good behaviour: Provided that the Court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the Court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.

(2) Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case.

(3) When an order under sub-section (1) is made, the court may, if it is of opinion that in the interests of the offender and of the public it is expedient so to do, in addition pass a supervision order directing that the offender shall remain under the supervision of a probation officer named in the order during such period, not being less than one year, as may be specified therein, and may in such supervision order, impose such conditions as it deems necessary for the due supervision of the offender.

(4) The court making a supervision order under sub-section (3) shall require the offender, before he is released, to enter into a bond, with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants or any other matter as the court may, having regard to the particular circumstances, consider fit to impose for preventing a repetition of the same offence or a commission of other offences by the offender.

(5) The court making a supervision order under sub-section (3) shall explain to the offender the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to each of the offenders, the sureties, if any, and the probation officer concerned.”

12. It would be worthwhile to refer to the judgment of **Ratan Lal vs. State of Punjab**, AIR 1965 SC 444, whereby Hon’ble the Supreme Court, regarding the purpose and object of ‘The Probation of Offenders Act, 1958’ had observed and held that, “The Act is a milestone in the progress of the modern liberal trend of reform in the field of penology. It is the result of the recognition of the doctrine that the object of criminal law is more to reform the individual offender than to punish him. Broadly stated the Act distinguishes offenders below



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21 years of age and those above that age, and offenders who are guilty of having committed an offence punishable with death or imprisonment for life and those who are guilty of a lesser offence. While in the case of offenders who are above the age of 21 years, absolute discretion is given to the court to release them after admonition or on probation of good conduct, subject to the condition laid down in the appropriate provision of the Act, in the case of offenders below the age of 21 years an injunction is issued to the court not to sentence them to imprisonment unless it is satisfied that having regard to the circumstances of the case, including the nature of the offence and the character of the offenders, it is not desirable to deal with them under Ss. 3 and 4 of the Act.”

13. The Apex Court in **Sitaram Paswan and Anr. vs. State of Bihar**, AIR 2005 SC 3534, observed that benefit of probation can be extended at the appellate or revisional stage as well, and held that, “For exercising the power which is discretionary, the Court has to consider circumstances of the case, the nature of the offence and the character of the offender. While considering the nature of the offence, the Court must take a realistic view of the gravity of the offence, the impact which the offence had on the victim. The benefit available to the accused under Section 4 of the Probation of Offenders Act is subject to the limitation embodied in the provisions and the word "may" clearly indicates that the discretion vests with the Court whether to release the offender in exercise of the powers under Section 3 or 4 of the Probation of Offenders Act having regard to the nature of the offence and the character of the offender and overall circumstances of the case. The powers under Section 4 of the Probation of Offenders Act vest with the Court when any person is found guilty of the offence committed, not punishable with death or imprisonment for life. This power can be exercised by the



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Courts while finding the person guilty and if the Court thinks that having regard to the circumstances of the case, including the nature of the offence and the character of the offender, benefit should be extended to the accused, the power can be exercised by the Court even at the appellate or revisional stage and also by this Court while hearing appeal under Article 136 of the Constitution of India.”

14. Hon’ble the Supreme Court in **Niraj Zhalani vs. Pramod Kumar Zhalani**, 2025 SCC OnLine SC 192, while considering the absence of antecedents, coupled with the factum of no recurrence of any violent incident, dismissed the appeal challenging the order of the High Court, granting probation to the accused, convicted under Sections 324 and 325 IPC on the principles of equity and the objectives of the Probation of Offenders Act.

15. A gainful reference can be made to **Gora Singh vs. State of Punjab**, CRR-1903-2025, wherein this Court vide order dated 19.08.2025 released the petitioner therein, a first-time offender, who had undergone long trial agony, supported a family and lacked prior convictions, on probation for a period of one year, while observing that the Courts must balance the societal interest in peace and discipline with opportunities for individual reformation under Section 360 CrPC and the Probation of Offenders Act.

16. Reverting to the facts of the present case as regards the prayer made on behalf of the petitioners is concerned, this Court considering the mitigating circumstances and the judgments referred to above, finds that the ends of justice would be served, if they are granted the benefit of probation of good conduct.

17. As a consequence to the above, present petition is hereby disposed of with a direction to grant probation to the petitioners for a period of one year, on the



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following conditions as enshrined under Section 4 of the Probation of Offenders Act, 1958:

- (1) They shall execute a bond for good behaviour with two solvent sureties in a sum of Rs.10,000/- which shall be executed before the trial Court within a period of one month from today.
- (2) The said bond shall be in force for a period of one year.
- (3) They shall be subject to the supervision of the Probation Officer and subject to the conditions laid down in the Probation of Offenders Act.
- (4) They shall pay an additional amount of Rs.10,000/- each, over and above the one deposited by them previously, which shall be paid to the injured as compensation under Section 357 CrPC, within a period of two months, failing which, the present petition shall deem to have been dismissed.

18. It is clarified that in case there is any breach of the aforesaid conditions, the petitioners will forthwith be taken into custody and shall have to undergo the sentence awarded to them by the trial Court.

27.10.2025*Vishal Vardhan***(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No