



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

253

CRR-2375-2022
Date of decision: 03.09.2025

JUGRAJ SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Ishmeet Singh, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

Mr. Charanjiv Singh Rana, Legal Aid Counsel
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

Challenging the judgment dated 25.03.2022 passed by the Sessions Judge, Fatehgarh Sahib wherein despite upholding the judgment of conviction dated 07.12.2021 passed by the Judicial Magistrate, 1st Class, Amloh, dated 07.12.2021, the Appellate Court has still modified the sentence and has ordered that the petitioners be released on probation.

2. The brief facts of the present case, as culled out from the final report under Section 173 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C."), are that the FIR was registered at the instance of Jugraj Singh @ Billa, son of Naranjan Singh, resident of village

**CRR-2375-2022**

-2-

Alipur Sandal, Police Station Amloh, District Fatehgarh Sahib, aged about 30 years. His statement was recorded on 01.06.2011 wherein he disclosed that on 30.05.2011, at about 12:15 p.m., he, along with Bhag Singh, the owner of the fields, had gone to the fields situated at village Alipur Sandal. After parking of their Maruti car bearing registration No. PB-11-L-0102 on the road, he saw the accused persons, namely Balbir Singh, son of Ram Asra, resident of village Madnipur, District Ludhiana, Jaswant Kaur, wife of Narang Singh, and Gindi, son of Narang Singh, appear at the spot. It is alleged that accused Balbir Singh assaulted the complainant with a datar. In order to shield himself, the complainant raised a stick, whereupon Balbir Singh again struck him with the datar, causing an injury on his head. In the course of the incident, the window panes of the Maruti car were also broken and Bhag Singh was also subjected to beatings. The complainant became unconscious and was thereafter brought by Bhag Singh and his son, Sukhwinder Singh, to Rajindra Hospital, Patiala. Meanwhile, several villagers gathered at the spot, compelling the accused persons to flee. The alleged motive for the occurrence, as stated, was that Narang Singh sought to unlawfully and forcibly take possession of the agricultural land owned by Bhag Singh. The complainant's statement was recorded at Rajindra Hospital, Patiala, where he was undergoing treatment, and on its basis, the FIR was registered.

3. Subsequently, the accused persons, namely Balbir Singh, Jaswant Kaur, and Gindi Singh, were arrested. A site plan was prepared,



statements of witnesses were recorded, and the case property was taken into police possession.

4. Upon conclusion of the investigation, a final report (challan) was presented before the competent Court.

5. On appearance of the accused persons, copies of the Challan and other documents relied upon by the prosecution were supplied to them. On finding a prima-facie case against the accused persons, they were charge-sheeted under Section 323/324/427/34 of IPC to which, they pleaded not guilty and claimed trial.

6. In order to establish the guilt of the accused, the prosecution examined its witnesses, the details whereof are as follows:

- *PW1 ASI Joginder Singh who proved application moved before Rajindra Hospital Patiala for recording the statement of Jugraj Singh Ex.P1, Statement of Jugraj Singh Ex.P2, police proceedings Ex.P3, FIR Ex.P4, site plan Ex.P5, arrest memos Ex.P6 to Ex.P8, recovery memo Ex.P9 to Ex.P11, case property taken into police possession vide memo Ex.P12, case property Ex.MO1 & Ex.MO2.*
- *Prosecution further examined PW2 Bhag Singh who reiterated the fact of case and proved the case property Ex.P1 and Ex.MO1 and MO2.*
- *Further prosecution examined PW3 Jugraj Singh who reiterated the same version of PW2 Bhag Singh.*



- *PW4 Dr. Lovekesh Kumar who identified his signature on bed head tickets Ex.P4/A.*
- *Prosecution further examined, Dr. Harmeet Kaur as PW5 who identified her signatures on report Ex.PW5/K.*
- *Prosecution further examined Darshan Verma PW6 and proved the bead head ticket of patient Jugraj Singh Ex.PW4/A and CT Scan report Ex.PW6/A.*
- *Thereafter prosecution examined Dr. Charanpreet Kaur PW7 and proved the MLR of Jugraj Singh Ex.PW6/B and declared the nature of injury as simple in nature vide endorsement Ex.PW7/A.*

7. On consideration of the evidence led by the parties as well as the arguments advanced by the Counsel for the parties, the trial court recording a finding of conviction against the accused persons and sentenced them as under:

Convict Jaswant Kaur

<i>Under Section</i>	<i>Sentence</i>
<i>323 r/w 34 IPC</i>	<i>R.I. for 6 months along with fine of Rs. 1000/-. In default of payment of fine, R.I. for one month.</i>
<i>324 IPC r/w 34 IPC</i>	<i>R.I. for 2 years along with fine of Rs. 1000/-. In default of payment of fine, R.I. for one month.</i>

Convict Gindi

<i>Under Section</i>	<i>Sentence</i>
<i>323 r/w 34 IPC</i>	<i>R.I. for 6 months along with fine of Rs. 1000/-. In default of payment of fine, R.I. for one month.</i>
<i>324 IPC r/w 34 IPC</i>	<i>R.I. for 2 years along with fine of Rs. 1000/-. In default of payment of fine, R.I. for one month.</i>

**CRR-2375-2022**

-5-

8. Aggrieved of the same, an appeal was preferred before the Court of Sessions Judge, Fatehgarh Sahib. Vide the order dated 25.03.2022, the said appeal was dismissed and conviction was upheld but the sentence was modified and the petitioners were directed to be released on probation. Hence, the present petition has been filed.

9. Learned Counsel appearing on behalf of the petitioner contends that the learned Sessions Judge, Fatehgarh Sahib, committed an error of law in modifying the sentence vide the impugned judgment dated 25.03.2022 whereby the sentence of the respondents–accused was modified, and accused were released on probation. It is argued that the injuries sustained by the complainant side stood duly proved through the testimony of Dr. Charanpreet Kaur, Medical Officer. Further, it is submitted that the respondents not only attacked Bhag Singh but also damaged the vehicle in which the petitioner was travelling by breaking its windowpanes. The nature and manner of assault, according to learned counsel, unmistakably reflect the deliberate and intentional conduct of the respondents. In such circumstances, it is contended that no leniency ought to have been shown to them.

10. Mr. Charanjiv Singh Rana, Advocate, Enrollment No. 7045/2025 who is present in the Court is appointed as a Legal Aid Counsel to assist this Court on behalf of respondents No.2 and 3. He has perused the case file of the present proceedings and has assisted the Court.



11. Learned Legal Aid Counsel submits that the present revision petition is devoid of merit and is liable to be dismissed. It is argued that the sentence awarded to the respondents is less than three years and there is no material on record indicating any prior criminal involvement of respondents No. 2 and 3. The Court of Sessions, while modifying the punishment, has taken into account all relevant factors and has consciously adopted a rehabilitative course. It is further contended that, in the matter of sentencing, a Court is required to examine whether the punishment ought to operate as a deterrent or whether a reformatory approach would better serve the ends of justice.

12. In the present case, having regard to the attending circumstances and factors noticed, the learned Sessions Judge has rightly given precedence to the reformatory object of sentencing. It is, therefore, submitted that the grant of probation represents a proper exercise of judicial discretion, which is not liable to be interfered with unless it is shown that the impugned order suffers from illegality, perversity, or manifest impropriety.

13. No other arguments have been raised.

14. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended along with the present petition.

15. Before proceeding further, it would be apposite to make a reference to the operative part of the judgment passed by the Sessions Judge,



Fatehgarh Sahib whereby the benefit of probation has been extended to the respondent-accused persons. The same reads thus:-

“However, perusal of the record shows that present appellants have been facing agony of trial for the last about ten years and nothing has been brought on record to show that present appellants are previous convicts and have repeated the similar crime. Learned counsel for the appellants has pointed out that the appellant Jaswant Kaur is aged 52 years and appellant Gurinder Singh @ Gindi is 32 years and in case they are sent behind bars their entire future will be ruined. Moreover, the appellants as well as complainant are of the same village. Thus, keeping in view the facts and circumstances of the present case, this court deems it appropriate to release the appellant on probation. Therefore, appellant are ordered to be released on probation subject to their furnishing probation bonds in the sum of ₹10,000/- each with one surety of the like amount each to be furnished within one week of passing of this order. The appellants shall remain on probation for the period of six months and during this period they will keep peace and good behaviour and in violation of the probation bond they will surrender before the Court to undergo the remaining period of sentence. Fine already deposited by appellants in the trial Court is also converted as costs of litigation.

7. *Keeping in view the above, the conviction of appellants is upheld and sentence awarded to them is modified, as stated above. The appeal is disposed*



of accordingly. The case property be disposed of after the expiry of period of limitation of filing appeal/revision in accordance with rules. Trial Court record be sent back immediately and appeal file be consigned to the record room.”

16. Punitive or deterrent punishment is usually imposed where offence is heinous and shocking to the conscience of the society or where people reflect criminal behaviour where a person is not involved in such offences and the Court has no reasons to believe that the accused is beyond reform, the Court may take recourse to a rehabilitative punishment. The effort of the Court must also be directed towards reintegrating an accused in the main frame of the society. Such rehabilitative measures grant an opportunity to an accused not to be perennially incarcerated for having been involved in an offence. The same is often an essential tool to bring about peace and harmony.

17. It is evident from the record that the learned Sessions Court specifically took note of all the factors including the fact that appellant No. 1, Jaswant Kaur, being a woman, was aged about 52 years, while Gurinder Singh @ Gindi was aged 32 years. Having regard to their age, family circumstances, and the absence of any previous criminal antecedents, the benefit of probation was extended to them upon their furnishing bonds in the sum of ₹10,000/- each, with one surety in the like amount. Further, there is also nothing on record to suggest that respondents No. 2 and 3 have, at any stage, during the interregnum period violated the terms and conditions of the probation bond. Once a reformatory sentence has been taken recourse to by

**CRR-2375-2022**

-9-

the Court of sessions, the High Court, in exercise of its revisional jurisdiction would not ordinarily interfere with the probation granted by the Court unless some illegality, perversity or impropriety is established. I do not find any of such circumstances exists in the present case.

Consequently, the present revision petition is dismissed.

SEPTEMBER 03, 2025
*Vishal Sharma***(VINOD S. BHARDWAJ)**
JUDGE

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