

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

239

2025:PHHC:116989



Date of decision: 27.08.2025.

(1)

CRR-1822-2019 (O&M)

KARAMBIR

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

(2)

CRR-1911-2019 (O&M)

KARAMBIR

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

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

Present :- Ms. Kusum Raj, Advocate, (LEGAL-AID-COUNSEL)
for the petitioner.

Ms. Chhavi Sharma, AAG, Haryana.

Ms. Roja Agnihotri, Advocate, (Legal-aid-counsel)
for respondent No.2-Rajesh in CRR-1822-2019 and
for respondents No.2-Rajesh and respondent No.3-Vidya Devi
in CRR-1911-2019.

VINOD S. BHARDWAJ, J. (Oral)

CRM-23052-2019 in CRR-1822-2019

For the reasons mentioned in the application, the same is
allowed.

Delay of 94 days in filing of the revision petition is condoned.

CRM-23054-2019 in CRR-1822-2019

Application is allowed as prayed for subject to all just
exceptions.

Annexures P-1 to P-4 are taken on record.

The Registry is directed to tag the same at an appropriate place.

CRM-23551-2019 in CRR-1911-2019

For the reasons mentioned in the application, the same is
allowed.

Delay of 85 days in filing of the revision petition is condoned.

CRM-23552-2019 in CRR-1911-2019

Application is allowed as prayed for subject to all just
exceptions.

Annexures P-1 to P-4 are taken on record.

The Registry is directed to tag the same at an appropriate place.

Main cases

Both these revision petitions arise out of the common judgment
dated 06.12.2018 passed by the Additional Sessions Judge, Jind, in Criminal
Appeal No.36 dated 07.06.2018 titled as 'Rajesh @ Raja (the convict) Vs.

State of Haryana' as well as Criminal Appeal No.38 of 02.07.2018 titled as 'Karambir Vs. Rajesh @ Raja and others' filed by the petitioner herein.

2 While appeal No.36 had been preferred by respondent-convict against his conviction by the Judicial Magistrate First Class and sentencing, appeal No.38 had been preferred by the petitioner-complainant against acquittal of the Vidya Devi (co-accused). The Additional Sessions Judge allowed the criminal appeal filed by Rajesh and dismissed the appeal of the petitioner against acquittal of Vidya Devi. Hence, two revision petitions.

3 The facts of the case in brief are that FIR in the present case had been registered on the statement of the petitioner alleging that on 16.11.2014, his brother Rajesh @ Raja (respondent No.2) along with his wife Vidya came and started abusing him as they had a dispute pertaining to partition of the land. Rajesh and his wife Vidya started punching and kicking his wife Chameli. After hearing her cries, he came out and saw that his brother was armed with lathi and the latter also hit him on his head and back. Rajesh also caused injuries to his son on the left ear and left arm and Vidya grabbed the testicles of his son Krishan causing him immense pain. Accused Rajesh along with his wife subsequently ran away. His son Krishan arranged a vehicle and they reached Government Hospital, Jind, wherefrom they were referred to PGIMS Rohtak. On the basis of the above statement, an FIR was registered. The site plan was prepared and the statements were recorded. The X-rays were also obtained. After conclusion of the investigation, the chargesheet was filed. On supplies of the copies of the challan, the evidence was led by the parties.

4 On consideration of the entire evidence, the trial Court vide its

judgment dated 21.05.2018 recorded a finding of conviction against Rajesh for offences under Sections 323 and 341 of the Indian Penal Code, 1860 while his wife Vidya was given the benefit of doubt and she was acquitted. The trial Court awarded sentence of simple imprisonment for a period of six months along with fine of Rs.500/- for commission of offence under Section 323 and simple imprisonment for a period of 15 days for the commission of offence under Section 341 of the Indian Penal Code, 1860. The substantive sentences were ordered to run concurrently and the period of custody during investigation or trial was ordered to be set off against the sentence of imprisonment.

5 Aggrieved of the said judgment, the petitioner herein preferred Criminal Appeal No.38 while Rajesh @ Raja respondent No.2 also preferred Criminal Appeal No.36 against his conviction.

6 Upon consideration of the rival submissions by the parties, the Additional Sessions Judge, Jind, dismissed both the appeals and upheld the conviction, however, the sentence awarded to respondent No.2-Rajesh @ Raja appellant in Criminal Appeal No.36 was modified and he was released on probation. Hence, both these revisions petitions.

7 Learned legal-aid-counsel contends that the Courts have failed to appreciate the facts and circumstances of the case and committed an error in releasing respondent No.2 on probation and acquitting his wife Vidya. It is submitted that eye-witness account has been fully proved and the medical record corroborates the allegations levelled. All the witnesses also supported the version of the prosecution, hence, there was no occasion for extension of any concession of probation to respondent No.2-Rajesh @ Raja or granting

the benefit of doubt to his wife Vidya and acquitting her.

8 Learned State counsel has maintained a neutral stand. This Court noticed that even though no formal notice had been issued to the accused-private respondents, yet, assistance of a legal aid counsel should be sought. Accordingly, Ms. Roja Agnihotri, is appointed as legal-aid-counsel to assist this Court on behalf of Rajesh @ Raja and Vidya Devi. She has gone through the State file and submits that the respondents have clean antecedents and have not been involved in other criminal act as well. The reformatory sentencing restores the accused in the mainframe of Society. Such minor incidents deserve a meaningful sentencing and benefit of probation needs to be extended for a larger well-being.

9 I have heard the learned counsel for the petitioner as well as the learned State counsel.

10 It is evident from a perusal of the judgment passed by the trial Court that while recording a finding of acquittal against Vidya wife of Rajesh @ Raja, a specific finding of fact has been recorded by the trial Court that the role attributed to her was that of having pressed and grabbed the testicles of Krishan and thereby causing him immense pain, however, the MLR of Krishan does not mention any such thing. No opinion has also been recorded by the Doctor with respect to any pain in the lower region (groin) or in the testicles. No other specific injury had been attributed to her. Hence, the allegations against Vidya Devi wife of Rajesh @ Raja were recorded as having not been established, thus she was acquitted of the charges framed against her. There is nothing on record that the said findings recorded by both the Courts, suffer from any factual misappreciation or that the record or

evidence has been misinterpreted or mis-applied. Hence, there is no occasion for this Court to interfere with the finding of acquittal recorded concurrently by the trial Court as well as Appellate Court.

11 Adverting to the benefit of probation extended under Section 4 (1) of the Probation of Offenders Act, 1958, to respondent No.2-Rajesh @ Raja by the Additional Sessions Judge, Jind, on furnishing personal bond in the sum of Rs.50,000/- with one surety of like amount for a period of one year.

12 There is nothing on record that the benefit could not have been extended to respondent No.2 or that he suffers from any criminal antecedents dis-entitling him to the said benefits. Moreover, while imposing sentence, a Court is also required to see whether punitive punishment is the only recourse that ought to be adopted in matters pertaining to minor offences and for the first time offenders and that too in a case where the sentence awarded is less than one year. The Court has carved out a cardinal distinction between a criminal and an offender. Occurrence of an event of minor nature resulting in simple injuries should not be taken to a pedestal where punitive sentence is the only option. The respondent No.2-Rajesh has not shown any criminal tendency or involvement in criminal offences either prior to the occurrence of said incident or even thereafter during the pendency of the proceedings before the Appellate Court as well as this Court. Thus, the respondent No.2 has a good potential of being rehabilitated in the mainframe of the Society. Directing respondent No.2 to serve an actual imprisonment at this stage is not likely to serve any fruitful purpose. Finding no ground to interfere in the grant of probation, both the revision

petitions are dismissed.

13 Any other pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

14 A copy of this order be also sent to the High Court Legal Services Committee, for further necessary action.

15 A photocopy of the order be placed on the connected file(s).

**August 27, 2025.
raj arora**

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No