

**CRR-719-2012 (O&M)**

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRR-719-2012 (O&M)****Reserved on : 13.11.2025****Pronounced on : 17.11.2025**

Amar Singh & Ors.

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Anil Chawla, Advocate for the petitioners.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

1. With regard to commission of offence punishable under Section 380 of the Indian Penal Code, 1860, hereinafter being referred to as "IPC", vide FIR No.52 dated 12.03.2006, Police Station Lopoke, the revisionists-petitioners, hereinafter referred to as "the petitioners" only, have been acquitted by the Court of learned Judicial Magistrate First Class Ajnala, hereinafter being referred to as 'trial Court'.

2. Thereafter, the State preferred an appeal against the petitioners before the Court of learned Additional Sessions Judge Amritsar, hereinafter being referred to as 'Appellate Court' only. By virtue of judgment of conviction and order of sentence dated 24.02.2012, passed by the Court of learned Appellate Court, the petitioners have been convicted for the commission of abovementioned offence and sentenced them to undergo

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rigorous imprisonment for a period of six months each and to pay a fine of Rs.6000/- each. They have been further directed that in case of default in payment of fine, they would have to undergo simple imprisonment for a period of six months each.

3. Aggrieved of the abovementioned judgment, passed by the learned Appellate Court, the instant revision petition has been preferred by the petitioners.

4. In nut-shell, the facts emerging from record are that the FIR of this case came into being on 02.03.2006, when Joginder Singh moved written complaint to the Senior Superintendent of Police, Majitha, Amritsar against the petitioners. It was stated therein that he was allotted land measuring 48 kanals in Village Kotla Saraj Luhar, Tehsil Ajnala District Amritsar and that a civil suit regarding the abovesaid land was decided in his favour for delivery of possession. It was further stated by the complainant that he also filed execution petition for taking the possession of the land, and deposited Rs.18,012/- in the Government Treasury on 29.03.2005. According to complainant before delivery of possession of abovementioned land, on 12.04.2005, the petitioners harvested the wheat crop with combine amounting to Rs.60,000/-, and the said amount had already been deposited by him in the Government Treasury. As per complainant, the petitioners had no legal right to harvest the crop, but to cause loss to him, they had harvested the crop, and thus they committed the abovementioned offence.

5. It has been the case of the prosecution that in view of the abovementioned complaint, a formal FIR in this case was lodged and the investigation taken up. As per prosecution, on completion of investigation,



when the challan was presented and trial was conducted by the learned trial Court, it culminated into acquittal of petitioners, but when the appeal was preferred by the State before the learned Appellate Court, the acquittal order was converted into an order of their conviction.

6. Heard.

7. At the threshold, the learned counsel for the petitioners has made it clear that he does not want to argue on the merits of the case, i.e. qua the findings recorded by the learned Appellate Court with regard to conviction of the petitioners. The revision petition has been pressed by learned counsel for the petitioner with regard to order on quantum of sentence only.

8. It has been argued on behalf of petitioners that in the present case, the dispute between the parties was of civil nature, and with regard to abovementioned dispute, the Regular Second Appeal is pending before this Court. As per learned counsel for the petitioners, initially the accused were acquitted, but later on in the appeal, preferred by the State, they have been convicted. The learned counsel for the petitioners has further contended that initially four petitioners had preferred this petition, but out of four petitioners, two petitioners, namely Gulzar Singh and Chanan Singh, have passed away, and that the present petitioners No.1 and 2, namely Amar Singh and Jaswant Singh, are very old-age persons, as the age of petitioners No.1 and 2 as on today approximately 80 years.

9. As per learned counsel for the petitioners, the petitioners No.1 and 2 are not habitual offenders and that instant prosecution is the only prosecution faced by the petitioners in their entire life. In view of above, the



learned counsel for the petitioners has argued that the petitioners No.1 and 2, who have no criminal antecedents, and in the last 19 years, i.e. since the registration of FIR pertaining to the present case, they have not indulged in any kind of criminal activity, they are entitled for the concession of probation/admonition.

10. *Per contra*, the learned State Counsel has argued that age of the petitioners has no relevance for the benefit being sought by the petitioners, and that the gravity of offence committed by the petitioners renders them ineligible for any lenient view. According to learned State Counsel, the petitioners are not entitled for the benefit of probation/admonition.

11. The record has been perused carefully.

12. A perusal of record shows that once the findings, recorded by the learned Appellate Court with regard to proof of charge against the petitioners, have not been challenged, the abovementioned findings recorded by the learned Appellate Court are hereby upheld. Thus qua the judgment of conviction, the present appeal is hereby dismissed.

13. As far as the order on the point of quantum of sentence is concerned, in view of the fact that the instant offence is the first offence committed by the petitioners No.1 and 2, and that in the last 19 years, any of the petitioners No.1 and 2 is not reported to have indulged in any criminal activity, and that the maximum punishment prescribed for the offence committed by the present is imprisonment upto seven years, the petitioners No.1 and 2, being the first offenders and having clean antecedents before and after the commission of present offence, are hereby held to be eligible for the benefit of probation.

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14. As a sequel to abovementioned observations, the plea of the petitioners No.1 and 2 with regard to benefit of probation deserves to be accepted. Consequently, by partly accepting the present revision petition, the sentence awarded to the petitioners No.1 and 2 is hereby modified and the benefit of probation is accorded to the petitioners No.1 and 2. They are directed to furnish the requisite bonds of good behaviour to the satisfaction of the learned trial Court/Chief Judicial Magistrate Amritsar. Once the bonds are executed, the petitioners No.1 and 2 would be released on probation for a period specified by the learned trial Court/Chief Judicial Magistrate Amritsar. Obvious to say that in case of any offence committed by the petitioners No.1 and 2 during the period of probation, they shall have to undergo the sentence awarded in this case.

15. The revision petition stands disposed of, accordingly. The miscellaneous application(s) pending, if any, shall also stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 17, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No