



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

CRR-1732-2016

Date of decision: 06.05.2025

THAKUR SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Davinder Pal Soni Jaura, Advocate
for respondent Nos.4 and 6.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 29.02.2016 passed by learned Additional Sessions Judge, Bathinda, whereby judgment of conviction dated 29.05.2014 passed by learned Judicial Magistrate Ist Class, Phul has been upheld, however, order of sentence of even date i.e. 29.05.2014 has been modified by releasing the private respondents on probation for one year.

2. Brief facts of prosecution case are that on 10.06.2009 at about 7:30 PM, when the complainant along with her mother-Bachan Kaur and brother-Joginder Singh and Bukan Singh were present at the complainant's house, Ajaib Singh, Naib Singh armed with iron dies, Balaur Singh and Amar Singh armed with *dangs*, Mohinder Singh armed with chain and 4/5



unidentified persons (private respondents herein) entered into her house and caused injuries to them and forcibly removed a gold *kara* (bangle), three rings of gold valued Rs.20,000/- from their trunk and fled away from the spot. The reason behind causing the injuries to them was some land dispute. On the basis of the statement, FIR (*supra*) was got registered.

3. On assessing all the material available on the record, the learned trial Court convicted and sentenced the respondents-accused vide judgment and order of sentence dated 29.05.2014 for commission of offence under Sections 452/323 read with Section 149 IPC and 148 of IPC. Aggrieved by the same, the respondents preferred an appeal before the learned lower Appellate Court, which was partly allowed and, they were released on probation for a period of one year.

4. Learned counsel for the petitioner *inter alia* contends that the learned trial Court has passed a well reasoned order and awarded rigorous imprisonment for two years under Sections 452/323/148/149 of IPC vide the order of sentence dated 29.05.2014 passed by learned Judicial Magistrate Ist Class, Phul. However, the learned Additional Sessions Judge, Bathinda has fallen into grave error by extending the benefit of probation to the accused-private respondents without there being any justifiable cause.

5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that Ajaib Singh, Mohinder Singh and Balour Singh are more than 50 years of age and Naib Singh is about 40 years of age and Amar Singh is more than 60 years of age. The learned lower Appellate Court, after taking into consideration



the fact that the private respondents are first time offenders and have faced trial for more than 15 years, vide the impugned judgment dated 29.02.2016 has rightly granted the private respondents, the concession of probation, while invoking provisions of Sections 3 and 4 of Probation of Offenders Act. Further, the private respondents-accused have maintained good conduct and do 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.

6. In ***Deo Narain Mandal v. State of UP (2004) 7 SCC 257***, a Three Judge Bench of the Hon'ble Supreme Court has opined that awarding of sentence is not a mere formality in criminal cases. When a minimum and maximum term is prescribed by the statute with regard to the period of sentence, a discretionary element is vested in the Court. Background of each case, which includes factors like gravity of the offence, manner in which, the offence is committed, age of the accused, should be considered while determining the quantum of sentence and this discretion is not to be used arbitrarily or whimsically. After assessing all relevant factors, proper sentence should be awarded bearing in mind the principle of proportionality to ensure the sentence is neither excessively harsh nor does it come across as lenient. Further, a two Judge Bench of the Hon'ble Supreme Court in ***Ravada Sasikala v. State of AP AIR 2017 SC 1166***, has reiterated that the imposition of sentence also serves a social purpose as it acts as a deterrent by making the



accused realise the damage caused not only to the victim but also to the society at large. The law in this regard is well settled that opportunities of reformation must be granted and such discretion is to be exercised by evaluating all attending circumstances of each case by noticing the nature of the crime, the manner in which the crime was committed and the conduct of the accused to strike a balance between the efficacy of law and the chances of reformation of the accused.

7. 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 warrant interference. Hence, the instant revision petition stands dismissed.

May 06, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No