



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

CRR-3563-2015

Date of decision: 09.01.2025

GURSEV SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vicky Sharma, Advocate for
Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Ms. Shifa Arora, Advocate for
Mr. G.S. Nahel, Advocate for respondent Nos.2 to 6.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 30.01.2015 passed by learned Additional Sessions Judge, Sangrur, whereby the appeal filed by the private respondents against judgment of conviction dated 27.01.2012 passed by learned Sub Divisional Judicial Magistrate, Sunam in criminal complaint No.101/2005 dated 09.12.2005 filed under Sections 148/325/323 read with Section 149 IPC was partly allowed and they were released on probation for one year with a direction to pay Rs.20,000/- as compensation to the petitioner.

2. Briefly, the facts are that on 05.11.2005, the complainant Gursev Singh son of Gurjant Singh stated that when he was going to play cricket match, the respondent No.4 caught him and exhorted him to teach a lesson for pasting posters in front of his house. Thereafter, all the private respondents along with some other persons gave beatings to the petitioner/complainant with



their respective weapons at various parts of the body. When the complainant/petitioner raised *raula* and so many persons came at the spot, the accused persons succeeded in running away from the spot. In the scuffle, mobile phone, purse containing Rs.2,500/- and his hat fell down at the spot. Thereafter, he was taken to Civil Hospital, Sunam. Hence, the complaint.

3. On assessing all the material available on the record, the learned trial Court convicted the private respondents-accused vide judgment dated 27.01.2012 and sentenced them for commission of offences under Sections 148, 323, 325 read with Section 149 of IPC vide order of sentence of even date. Aggrieved by the same, the private respondents-accused preferred an appeal before the learned lower Appellate Court, wherein the judgment of conviction was upheld but the order of sentence was modified to extent the concession of probation to the private respondents-accused vide judgment dated 30.01.2015.

4. Learned counsel for the petitioner contends that the learned Court below fell into error by partly allowing the appeal and reducing the sentence of the respondents to one year of probation as the same is based on untenable grounds. The charges against the private respondents-accused stand duly proven by all the prosecution witnesses and as such, the learned Court below ought not to have granted the benefit of probation to them. Further, the learned Court below had awarded Rs.20,000/- as compensation payable to the petitioner, which is on the lower side and deserves enhancement in view of the injuries sustained.

5. Learned counsel for respondent Nos.2 to 6-accused supports the impugned judgment and submits that the private respondents-accused were correctly granted the benefit of probation for their good conduct on furnishing probation bonds in the sum of Rs.10,000/- each with one surety which serves the ends of justice.



6. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that 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. A Co-ordinate bench of this Court in ***Nasri v. State of Haryana 2023(2) Law Herald 2203***, speaking through Justice Arun Monga, made the following observations:

“11.2. Objectives and principles of criminal law as envisioned in the provision ibid, apart from deterrence against committing crime against society, are inter-alia focused on the reformation of offenders, which inheres the concept of probation. Modern criminal justice system often aims to balance punishment with rehabilitation, emphasizing the potential for positive change in individuals who have committed crime. The goal of criminal law extends beyond mere punishment. While punishment serves to deter and hold individuals accountable for their actions, there is a growing recognition of the importance of addressing the underlying factors that contribute to criminal behaviour. This perspective emphasizes the potentials of offenders to reform and reintegrate into society as law-abiding citizens. Probation is one of the mechanisms used to achieve this reformation objective. In certain cases, certain offenders may be asked to remain under community supervision rather than being incarcerated. During such probation period, the offender can be put to follow certain conditions, such as regular reporting to a probation officer, participating in counselling or treatment programs and maintaining employment or education. The aim is to provide support, guidance and opportunities for the offender and to address the root causes of their criminal behaviour and develop positive life skills. Close monitoring and guidance provided during probation can help the offender make positive changes in their life and reduce the likelihood of re offending.”

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 warrants interference. Hence, the instant revision petition stands dismissed.

January 09, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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