



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

**CRR-360-2014 (O & M)
Date of decision: 10.01.2025**

SAMPAT SINGH

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Jyoti, Advocate for Mr. R.D. Yadav, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 21.12.2013 passed by learned Additional Sessions Judge, Jhajjar whereby the appeal filed by private respondent against judgment of conviction and order of sentence dated 20/21.02.2013 passed by learned Judicial Magistrate Ist Class, Jhajjar, in case bearing FIR No.198 dated 30.12.2007 registered under Sections 323/325 IPC at Police Station Salhawas was partly allowed and he was released on probation for two years with a direction to pay Rs.20,000/- as compensation to the petitioner.

2. Briefly, the facts are that on 23.11.2007 at about 11:30 PM, in the area of Village Goriya situated in the jurisdiction of Police Station Salhawas, the accused/respondent No.2 caused simple and grievous hurt with blunt weapon to the petitioner/complainant. Hence, the FIR (supra) was registered.

3. On assessing all the material available on the record, the learned trial Court convicted the private respondent-accused vide judgment dated



20.02.2013 and sentenced him for commission of offences under Sections 323 and 325 of IPC vide order of sentence dated 21.02.2023. Aggrieved by the same, the private respondent-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 respondent-accused vide judgment dated 21.12.2013.

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 respondent No.2 to two years of probation as the same is based on untenable grounds. The charges against the private respondent-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 him. 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. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the private respondent-accused has maintained good conduct and does 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.”

6. 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 10, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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