



**240-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision: 09.01.2025

1. CRR-4427-2016 (O & M)

CHHATTERPAL

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

2. CRR-4525-2016 (O & M)

CHHATTERPAL

...PETITIONER

V/S

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sanjeev Kumar, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This common order of mine shall dispose of both the above mentioned petitions as both of them are arising out of the same FIR. For the sake of brevity, facts are borrowed from ***CRR-4427-2016 (O & M)*** titled as ***'Chhatterpal vs. State of Haryana and others'***.

2. The present revision petitions have been filed against the judgment dated 09.08.2016 passed by learned Additional Sessions Judge, Palwal, whereby, the appeal filed by the petitioner/complainant against acquittal of respondent Nos.5 and 6 stands dismissed and the appeal filed by respondent Nos.2 to 4 against the judgment of conviction (respondent Nos.5 and 6 wrongly mentioned in the memo of appearance in CRR-4427 of 2016)



dated 11.06.2014 passed by learned Sub Divisional Judicial Magistrate, Hodal in case bearing FIR No.349 dated 31.08.2003 registered under Sections 148/149/323/325/452/506 IPC, was partly allowed and they were released on probation for six months with a direction to pay Rs.20,000/- (total Rs.60,000/-) as compensation, out of which, a sum of Rs.35,000/- to be paid to injured Duli Chand and Rs.5,000/- each to be paid to remaining injured persons.

3. Briefly, the facts are that on 31.08.2003, the complainant-petitioner, when he was in hospital, got recorded his statement to the effect that on 30.08.2003, at about 9:30 PM, due to some rivalry, the private respondents along with other accused persons, came taking *lathi, danda and fatte* of wood and axe in their hands and knocked the house of his brother Ram Gopal and when he came outside, all the accused persons gave beatings to him, the complainant and other injured persons. Hence, the FIR (*supra*) was registered.

4. On assessing all the material available on the record, the learned trial Court convicted respondent Nos.2 to 4 and acquitted respondent Nos.5 and 6 vide judgment dated 11.06.2014 and sentenced respondent Nos.2 to 4 for commission of offences under Sections 452/323/325 read with Section 34 of IPC vide order of sentence of even date. Aggrieved by the same, the sentenced 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 respondent Nos.2 to 4 -accused vide judgment dated 09.08.2016.

5. Learned counsel for the petitioner contends that the learned Court below fell into error by partly allowing the sentence of the respondent Nos.2 to 4 and acquitting respondent Nos.5 and 6 to six months of probation as the same is based on untenable grounds. The charges against 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.60,000/- as total compensation, out of which, an amount of Rs.5,000/- is payable to the petitioner, which is on the lower side and deserves enhancement in view of the injuries sustained.

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 Courts below which warrants interference. Hence, both the revision petitions stands dismissed.

January 09, 2025

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(i) Whether speaking/reasoned

(ii) Whether reportable

(HARPREET SINGH BRAR)

JUDGE

Yes/No

Yes/No