



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

**CRM-2219-2017 in/and
CRR-237-2017
Date of decision: 25.03.2025**

JASBIR SINGH

...PETITIONER

V/S

JASWANT SINGH @ JASSA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amrik Singh Kalra, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

CRM-2219-2017

This application has been filed under Section 5 of Limitation Act seeking condonation of delay of 381 days in filing the present revision petition.

For the reasons stated in the application, the same is allowed and delay of 381 days in filing the present revision petition is condoned.

MAIN CASE

1. The present revision petition has been filed against the impugned judgment dated 25.08.2015 passed by learned Additional Sessions Judge, Gurdaspur, whereby judgment of conviction dated 20.09.2012 passed by learned Judicial Magistrate Ist Class, Gurdaspur has been upheld, however, order of sentence of even date i.e. 20.09.2012 has been modified by releasing the respondents on probation for two years and compensation of Rs.45,000/- was imposed upon them and was ordered to be paid to the injured.

2. Brief facts of prosecution case are that 21.10.2006, on account of



**CRM-2219-2017 in/and
CRR-237-2017**

2

Diwali Festival, neighbours of complainant were bursting crackers on the roof of their house and when the mother of the complainant requested them to not to do so, they started hurling stones. Thereafter, on 22.10.2006, when the complainant was returning after delivering milk in village Shamu Chak, at about 8:00 AM and reached 50 yards ahead of new Bridge of UBDC, river Dhamrai, Jaswant Singh @ Jassa, Sonu, Ajit Singh and Satnam Singh @ Satta raised lalkara and caught hold of him and gave *kirch* blows on various parts of his body. Thereafter, when complainant raised alarm, assailants fled away from the spot. 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 20.09.2012 for commission of offence under Section 324 read with Section 34 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 02 years with the condition that all the convicts shall deposit an amount of Rs.45,000/- as compensation to be payable to the injured within a period of one week.

4. Learned counsel for the petitioner contends that the learned trial Court has convicted the private respondents under Sections 324/34 of IPC and awarded rigorous imprisonment for one year, however, the learned lower Appellate Court fell into error by releasing the respondents on probation as the same is based on untenable grounds. The charges against them stand duly proven by all the prosecution witnesses and the learned trial Court has rightly convicted the accused persons. As such, the learned lower Appellate Court ought not to have granted the benefit of probation to them.



5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the learned lower Appellate Court, after taking into consideration the fact that respondent-Ajit Singh (wrongly mentioned as Satnam Singh) is more than 65 years of age, respondent-Jaswant Singh is about 58 years of age and respondents-Satnam Singh and Amandeep Singh @ Sonu are of young age and they all are not previous convicts, vide the impugned judgment dated 25.08.2015 has rightly has rightly granted the respondents, the concession of probation, while invoking provisions of Sections 3 and 4 of Probation of Offenders Act. The learned lower Appellate Court has also awarded a compensation of Rs.45,000/- under the provisions of Section 5 of the Act. Further, the 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



**CRM-2219-2017 in/and
CRR-237-2017**

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 ***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



**CRM-2219-2017 in/and
CRR-237-2017**

5

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.

March 25, 2025
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(HARPREET SINGH BRAR)
JUDGE

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