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

CRR-2695-2018 (O&M)

Date of decision: 16.05.2025

Raj Rani

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.K. Tuteja, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 08.05.2018 passed by the learned Sessions Judge, Rohtak, whereby, the order dated 18.03.2017 passed by the learned trial Court releasing the private respondents on probation has been upheld.
2. Respondents No.2 & 3 were convicted vide judgement dated 15.03.2017 by the learned trial Court and released on probation vide order dated 18.03.2017. However, State of Haryana preferred an appeal before the learned lower Appellate Court which was also dismissed vide judgment dated 08.05.2018 and compensation amount of Rs.80,000/- was awarded to the complainant.
3. The facts of the case are that the son of the complainant purchased a shop bearing No.13 situated at Quilla Road, Geeta Market, Rohtak from one Usha Narang in the year 1997 and said shop without possession was mortgaged by her son in favour of accused/respondent No.3 for a sum of Rs.1,50,000/-. The complainant and her son used to sit in the said shop and her son used to pay interest on the said amount to the accused/respondent No.3. It is further alleged that the complainant along with Sonu after breaking the lock of the said



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shop had put their lock on the shutter. On 16.03.2006 at around 10:00 A.M., when the complainant went to her shop, she found the same was opened and one young boy was sitting there and on asking of the complainant, he stated that he was sitting there at the instance of accused/respondent No.3 and accused-Sonu. Thereafter, both the accused came there and respondent No.3 caught hold of her and gave fist blow on her face and accused-Sonu gave blow on her right leg, left knee and waist with a stick and thus, the instant case.

4. The complainant/petitioner submits that the learned trial Court, vide judgment dated 15.03.2017, convicted respondents No. 2 and 3 for offences punishable under Sections 325, 323 read with Section 34 of the IPC, but instead of awarding a sentence of imprisonment, released them on probation and directed them to pay compensation of Rs.40,000/- (Rs.20,000/- each) to the complainant/petitioner by the impugned order dated 18.03.2017. He further submits that the complainant/petitioner filed an appeal before the learned Sessions Judge, Rohtak challenging the impugned order dated 18.03.2017 which was dismissed and compensation was enhanced to Rs.80,000/- (Rs.40,000/- each) to the complainant/petitioner. It is further submitted that both the Courts below have erred in granting the benefit of probation under Section 360 of Cr.P.C. which was not made out in view of the facts and circumstances of the case despite the grievous hurt suffered by the complainant/petitioner as well as rounds of litigation undertaken by her when her evidence was closed.

5. Having heard the learned counsel for the petitioner and after perusing the record of the case, this Court is of the considered opinion that the judgment passed by the learned Appellate Court indicates no perversity in its



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findings and the same is based on correct appreciation of evidence available on record. However, the FIR in the present case was lodged on 01.04.2006 and the accused/respondents No.2 & 3 have been suffering the agony of trial since the last about 19 years. It also appears that the accused/respondents No.2 & 3 do not have any criminal antecedents.

6. 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.

7. In *Deo Narain Mandal vs. State of UP (2004) 7 SCC 257*, 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.

8. Further, the Hon'ble Supreme Court in *Ravada Sasikala vs. 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

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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.

9. In light of the foregoing discussion, it is evident that the compensation of Rs. 20,000/- each, as awarded by the learned trial Court, has already been enhanced to Rs.40,000/- to be paid by each respondents No.2 & 3 to the victim/petitioner. Therefore, this Court finds no ground to interfere with the order of sentence dated 18.03.2017 passed by the learned Judicial Magistrate 1st Class, Rohtak as well as the judgment dated 08.05.2018 passed by the learned Sessions Judge, Rohtak. Accordingly, the present revision petition stands dismissed.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

16.05.2025*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No