



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

CRR-2331-2022 (O & M)
Date of decision: 13.02.2025

RAJBIR SINGH

...PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tejas Bansal, Advocate and
 Mr. Sanjiv Kumar Aggarwal, Advocate
 for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

CRM-41905-2022

This is an application for condonation of delay of 56 days in filing the present revision petition.

For the reasons stated in the application, the same is allowed and delay of 56 days in filing the present revision petition stands condoned.

MAIN CASE

1. The present revision petition has been filed against the impugned judgment dated 24.12.2021 passed by learned Sessions Judge, Panipat, whereby judgment of conviction dated 16.11.2018 and order of sentence dated 17.11.2018 passed by learned Judicial Magistrate Ist Class, Panipat have been partly allowed and respondent No.2/accused has been acquitted under Section 325 IPC and under Section 323 IPC, he has been released on probation for one year.

2. Shorn of unnecessary details, prosecution version is that



complainant Rajbir Singh S/o Duli Chand (petitioner herein) was going to his old village namely Kutani on 29.09.2012 for some work. When he reached Devi Mandir at about 3:30 PM, he sat in the park where other persons were also present. At that moment, 3-4 persons came running towards him armed with *sariya* & *dandas* and attacked him on both his legs. When he cried for help, other persons also came there. His assailants said that they would teach complainant a lesson for eve-teasing girls. Complainant lost consciousness because of the injuries and unknown persons took him to General Hospital, Panipat. When he came to his senses, he found his mobile phone make Nokia containing SIM nos.9416253084 & 9996026084 and purse containing Rs.5,500/- cash, ATM card & Driving License missing. 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 private respondent-accused vide judgment dated 16.11.2018 and order of sentence dated 17.11.2018 for commission of offences under Sections 323/325 IPC. Aggrieved by the same, accused/respondent No.2 preferred an appeal before the learned lower Appellate Court which was partly allowed and he was acquitted under Section 325 IPC and released on probation for one year under Section 323 IPC with the condition that the accused/respondent No.2 shall deposit an amount of Rs.40,000/- as compensation to be deposited before the learned trial Magistrate, under the head of the Government Treasury. The said amount was ordered to be disbursed to injured-Rajbir, who sustained injuries at the hands of respondent No.2.

4. Learned counsel for the petitioner contends that the learned lower Appellate Court fell into error by releasing respondent No.2/accused on probation as the same is based on untenable grounds. The charges against him



stand duly proven by all the prosecution witnesses and the learned trial Court has rightly convicted and sentenced the accused. As such, the learned lower Appellate Court ought not to have acquitted and granted the benefit of probation to him.

5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the accused/respondent No.2 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 ***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 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.

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

February 13, 2025
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(HARPREET SINGH BRAR)
JUDGE

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