



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

CRR-959-2022

Date of decision: 18.01.2025

BALJINDER SINGH

...PETITIONER

V/S

NAIB SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Prabhjot Kaur, Advocate for
Mr. Bikramjeet Singh Jatana, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 01.02.2021 passed by learned Additional Sessions Judge, Mansa, dismissing the appeal filed by the petitioner against the judgment dated 27.08.2019 passed by learned Additional Chief Judicial Magistrate, Mansa in criminal complaint No.COMI/631/2014 filed under Sections 323/325/452/341/148/140/120-B of IPC, 1860, whereby, the private respondents were released on probation for 06 months.

2. As per the version of the complainant, on 10.09.2014, Baljinder Singh son of the complainant was going to the house of Jagsir Singh to fetch spray pump. The accused persons who had previous enmity with the complainant due to damage to water channel, gave swear beatings to his son. Accused nos.1 to 4 (respondent Nos.1 to 4 herein) raised *lalkara* while Naib Singh gave iron blow on his arm and the remaining accused gave kicks blows on the person of Baljinder Singh. They further averred that Baljinder Singh rushed towards the house of Jagsir Singh, whereby Jagsir Singh rescued him by closing his main gate. However, the accused no.1 to 4 entered the house of Jagsir Singh by breaking his gate and gave swear beatings to Baljinder Singh.



Complainant, his brother Lal Singh and Jagsir Singh rescued Baljinder Singh from the clutches of accused. Hence, this complaint.

3. On assessing all the material available on the record, the learned trial Court convicted the private respondents-accused vide judgment dated 27.08.2019 for commission of offence under Section 323, however, the private respondents/accused were released on probation for a period of six months. Aggrieved by the same, the petitioner preferred an appeal before the learned lower Appellate Court which was also dismissed vide judgment dated 01.02.2021.

4. Learned counsel for the petitioner contends that the learned trial Court fell into error by releasing the private respondents on probation as the same is based on untenable grounds. The charges against the private respondents-accused stand duly proven by all the prosecution witnesses and as such, the learned trial Court ought not to have granted the benefit of probation to them. Further, at the time of granting probation, no amount has been awarded to the petitioner as compensation, which has caused injustice to him in view of the injuries sustained.

5. Learned State submits that both the Courts below have passed well-reasoned judgments after considering the material placed on record.

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 warrant interference. Hence, the instant revision petition stands dismissed.

January 18, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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