



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

**CRM-4345-2025 in/and
CRR-285-2025 (O & M)
Date of decision: 27.02.2025**

DARBARA SINGH

...PETITIONER

V/S

GURMEET KAUR @ BEANT KAUR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jaswinder Singh Rana, Advocate for
Mr. C.S. Jattana, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

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1. This is an application seeking condonation of delay of 52 days in filing the present revision petition.
2. For the reasons mentioned in the application, the same is allowed.
3. Delay of 52 days in filing the instant revision petition is hereby condoned.

MAIN CASE

1. The present revision petition has been filed against the impugned judgment dated 23.08.2024 passed by learned Additional Sessions Judge, Bathinda whereby, judgment of conviction dated 02.02.2024 passed by learned Judicial Magistrate Ist Class, Talwandi Sabo has been upheld, however, order of sentence of even date has been modified by releasing the private respondents



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on probation for one year.

2. Prosecution case, in brief is that on 02.06.2013, petitioner/complainant recorded his statement to the effect that when he was watering his fields, private respondents along with some unknown persons came there with their respective weapons i.e. wooden rod (*soti*), Axe (*kulhari*), *kappa*, *gandasa* and gave beatings to the complainant on various parts of this body. Thereafter, the complainant was admitted at Civil Hospital, Bathinda. Hence, the DDR in FIR (*supra*) was registered.

3. On assessing all the material available on the record, the learned trial Court convicted and sentenced the private respondents-accused vide judgment and order of sentence dated 02.02.2024 for commission of offence under Section 323/325 read with Section 34 IPC. Aggrieved by the same, the private respondents preferred an appeal before the learned lower Appellate Court which was partly allowed and, the private respondents/accused were released on probation for a period of one year with the condition that the convicts shall deposit an amount of Rs.10,000/- each (total Rs.40,000/-) as compensation to be payable to the complainant/injured Darbara Singh.

4. Learned counsel for the petitioner contends that learned lower Appellate 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 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.



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5. 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



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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



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finds no perversity or illegality in findings recorded by the learned lower Appellate Court, which warrant interference. Hence, the instant revision petition stands dismissed.

February 27, 2025
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(HARPREET SINGH BRAR)
JUDGE

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