



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRR No.2527 of 2024 (O&M)
Date of decision: 27.01.2025

Baljeet Singh and others
.....Petitioners
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Bawa, Advocate
for the petitioners.
Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

PRAYER OF THE PETITIONERS:

1. The petitioners seek to set aside the judgment of conviction dated 08.06.2018, passed by the Judicial Magistrate Ist Class, Ludhiana, wherein they were convicted under Sections 325, 323, 324 read with Section 34 of the IPC and sentenced to undergo rigorous imprisonment for a period of 1½ years and to pay a fine of Rs.700/- each, along with default mechanism vide order of even date. The petitioners also challenge the judgment dated 14.11.2024, passed by the learned Additional Sessions Judge, Ludhiana, dismissing their appeal against the judgment of conviction and order of sentence dated 08.06.2018.

BRIEF FACTS:

The case stems from an incident occurred on 08.12.2013 at approximately 6:00 PM. The complainant, Gagandeep Singh, reported

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that his father, Surjit Singh, was struck by a motorcycle driven by the accused, Baljeet Singh, near the Samaad of Baba Roodmal. After the collision, Baljeet Singh verbally abused Surjit Singh and engaged in a physical altercation with him. Gagandeep Singh intervened, questioning Baljeet Singh's actions, who appeared to be intoxicated. The situation escalated further when Ranjit Singh, Jaggi, and Kuldeep Kaur (Baljeet Singh's wife) arrived at the scene, all armed with weapons. Ranjit Singh attacked Gagandeep Singh with a kirch (a type of knife), while Baljeet Singh and Jaggi assaulted Gagandeep and Surjit Singh using fists and a daang (stick). Kuldeep Kaur kicked Gagandeep Singh. The victims cried for help, prompting Gagandeep's uncle, Gurmail Singh, to arrive at the spot, at which point the accused fled. The complainants were subsequently taken to Civil Hospital Pakhowal for medical treatment, and FIR No.132 was registered on 09.12.2013.

PETITIONERS' SUBMISSION:

3. Learned counsel for the petitioners submit that during the pendency of the present petition, petitioner No.2 – Ranjit Singh has unfortunately expired and as such, the proceedings against him may be abated.

4. Ordered accordingly.

FURTHER SUBMISSIONS OF PETITIONERS:

5. Learned counsel for the petitioners submits that the judgment passed by learned trial Court is based on conjectures and surmises. It is contended that the petitioners do not have any criminal antecedents and have family responsibilities. The petitioners also assert

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that Dr. Jagdeep Kaur, a key witness, had stated in her cross-examination that there was a possibility of self-inflicted injuries, and she could not rule out the possibility that the injuries were not severe when the patient was brought for medical examination. The petitioners have been facing trial for approximately 13 years, and as such, the learned courts below should have considered releasing them on probation under Section 361 Cr.P.C. read with Sections 3 & 4 of the Probation of Offenders Act, 1958.

Learned counsel for the petitioners submit that he is not assailing the impugned judgment of conviction dated 08.06.2018 on merits and restricts his prayer for modification of the order on quantum of sentence and to release the petitioners on probation in view of their age and good conduct.

STATE'S SUBMISSION:

6. *Per contra*, learned State counsel supports the judgments passed by learned Courts below, while contending that the petitioners had misused and abused the process of law and therefore, the conviction and sentence imposed by the learned Courts below are justified. However, learned State counsel does not object to the restricted prayer made by learned counsel for the petitioners for releasing the petitioners on probation.

COURT'S ANALYSIS:

7. After hearing the arguments and perusing the records, the Court notes that Sections 3 & 4 of the Probation of Offenders Act empower the Courts to release the offenders on probation of good



conduct in the cases and circumstances mentioned therein. Similarly, Sections 360 & 361 of the Cr.P.C, also empower the Courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. A two Judge Bench of the Hon'ble Supreme Court in ***Som Dutt and others Vs. State of Himachal Pradesh, (2022) 6 SCC 722*** speaking through Justice Bela M. Trivedi, has held as under:-

“6....having regard to the fact there are no criminal antecedents against the appellants, the Court is inclined to give them the benefit of releasing them on probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the appellants, it is directed that the appellants shall be released on probation of good conduct.....”

9. A two Judge Bench of the Hon'ble Supreme Court in ***Lakhvir Singh Vs. State of Punjab, (2021) 2 SCC 763*** speaking through Justice Sanjay Kishan Kaul, has held as under:-

“6. We may notice that the Statement of Objects and Reasons of the said Act explains the rationale for the enactment and its amendments: to give the benefit of release of offenders on probation of good conduct instead of sentencing them to imprisonment. Thus, increasing emphasis on the reformation and rehabilitation of offenders as useful and self-reliant members of society without subjecting them to the deleterious effects of jail life is what is sought to be subserved.”

CONCLUSION AND DIRECTIONS:

10. After considering the facts and circumstances, having regard to the fact that there are no criminal antecedents against the

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petitioners and they have actually undergone sentence of 02 months and 12 days out of total sentence of 1½ years, this Court is inclined to give them the benefit of probation of good conduct.

11. However, the plight of the complainant and the loss suffered by him cannot be overlooked. Significantly, the complainant endured he had suffered injuries substantial enough to attract offences punishable under Sections 323 and 325 IPC. The complainant has as much of a right to a free, fair and speedy trial, as does an accused. Keeping in mind the same, the legislature, in its wisdom, has provided for a compensatory mechanism in the form of Section 5 of the Probation of Offenders Act, 1958, which is reproduced below:

Section 5. Power of court to require released offenders to pay compensation and costs.—

(1) The court directing the release of an offender under section 3 or section 4, may, if it thinks fit, make at the same time a further order directing him to pay—

(a) such compensation as the court thinks reasonable for loss or injury caused to any person by the commission of the offence; and

(b) such costs of the proceedings as the court thinks reasonable.

(2) The amount ordered to be paid under sub-section (1) may be recovered as a fine in accordance with the provisions of sections 386 and 387 of the Code.

(3) A civil court trying any suit, arising out of the same matter for which the offender is prosecuted, shall take into account any amount paid or recovered as compensation under sub-section (1) in awarding damages.

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12. In that view of the matter, the instant revision petition stands disposed of with the following directions:-

- *The judgment dated 14.11.2024 passed by the learned Additional Sessions Judge, Ludhiana, confirming the conviction of the petitioners is upheld.*
- *The order of sentence dated 08.06.2018 passed by the learned Judicial Magistrate Ist Class, Ludhiana is modified to the extent of granting the concession of probation to the petitioners for good conduct.*
- *The petitioners shall be released on probation for good conduct, subject to furnishing a personal bond of Rs. 10,000/- each, with a surety of the like amount.*
- *The petitioners shall pay a compensation of Rs.5,000/- each to the complainant, Gagandeep Singh.*
- *The petitioners shall submit an undertaking to maintain peace and good behavior for a period of one year, to the satisfaction of the learned trial court.*
- *The petitioners shall remain under the supervision of the concerned Probation Officer during this probationary period.*
- *In the event of non-compliance with the directions or any breach of the undertaking, the petitioners shall be liable to undergo the sentence originally imposed.*

13. It is made clear that compensation can never fully redress the suffering endured by the complainant, however, it is a step toward

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acknowledging the hardship faced by him, with an aim to meaningfully contribute towards his rehabilitation.

14. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

27.01.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No