



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

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CRR-233-2020 (O&M)
Date of decision: 05.02.2026

LADHU RAM AND ANOTHERPetitioners

VERSUS

STATE OF HARYANA AND OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Apurav Kamboj, Advocate
for the petitioner.

Mr. Paras Talwar, Senior DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition challenges the judgment dated 16.12.2019 passed by the Sessions Judge, Sirsa whereby the respondent(s)/accused have been ordered to be released on probation, on furnishing personal bonds to the satisfaction of trial Court and were also directed to pay compensation of Rs. 7500/- each equally to the petitioner(s) as well as Ved Parkash injured.

2. Briefly stated, the present case arises out of FIR No. 157 dated 16.08.2015, registered under Sections 323 and 324 read with Section 34 of the

Indian Penal Code at Police Station Nathusari Chopta, District Sirsa. The said FIR was lodged on the complaint of Ladhu Ram, son of Dula Ram, against the respondents—accused, namely, Hanuman and Kesari, sons of Prema Ram. As per the allegations set out in the complaint, on 15.08.2015 at about 9:00 p.m., the complainant was proceeding towards his plot when he noticed accused Hanuman, armed with a gandasi, and accused Kesari, armed with a danda, standing in the street. It is alleged that they raised a lalkara and exhorted each other to teach the complainant a lesson on account of prior litigation between the parties. Pursuant to the said exhortation, accused Hanuman allegedly inflicted a gandasi blow on the right elbow of the complainant. On the complainant raising alarm, Ved Parkash, son of the complainant, along with his neighbour Inderpal, arrived at the spot and attempted to rescue him. It is further alleged that accused Hanuman then dealt a gandasi blow on the head of Ved Parkash, and thereafter the accused inflicted a danda blow on the right elbow of Ved Parkash. Upon the arrival of more persons at the scene, the accused are stated to have fled from the spot along with their respective weapons.

3. Investigation in the matter was conducted and a final report under Section 173 Cr. P.C. was filed against the respondent(s)-accused persons. Copies of the charge sheet were handed over free of cost as envisaged under Section 207 Cr. P.C. Charges were framed, after finding a *prima facie* case, vide order dated 07.11.2015 for commission of offences under Section 323, 325 read with Section 34 of the IPC.

4. Parties led their respective evidence and on conclusion thereof, vide judgment dated 03.01.2019, the respondent(s)-accused persons were

convicted for offences under Section 323, 324 read with Section 34 of the IPC.

Vide order of even date, they were sentenced as under:-

Name of convicts	Offences	Sentence
Hanuman and Kesari Ram	323 IPC read with Section 34 IPC.	Simple Imprisonment for six months and also to pay a fine of Rs. 500/- each. In default of payment of fine, convicts shall further undergo simple imprisonment for a period of one month.
Hanuman and Kesari Ram	324 IPC read with Section 34 IPC.	Simple Imprisonment for one year and also to pay a fine of Rs. 1000/- each. In default of payment of fine, convicts shall further undergo simple imprisonment for a period of three months.

5. Aggrieved thereof, the respondent(s)-accused persons preferred an appeal in the Court of Sessions Judge, Sirsa bearing CIS No. CRA/55 of 2019. The respondent(s)-accused (appellant therein) did not challenge their conviction but prayed for their release on probation.

6. On consideration of the respective submissions, the prayer was accepted and the Sessions Judge, Sirsa released the respondent(s)-accused persons on probation, vide judgment dated 16.12.2019. The operative part of the judgment reads thus:-

“8. Appellants have been held guilty for offence under Sections 323 and 324 IPC. Occurrence took place

as far back as in the month of August, 2015 i.e. more than four years back. They have already suffered a lot during trial. They are poor people. They are sole bread earners of their families. Keeping in view, nature of offence and antecedents of appellants, while maintaining their conviction, appellants are granted benefit of Sections 3/4 and 12 of the Probation of Offenders Act, 1958 in view of observations made in State of Haryana vs. Banwari 1987 CLR 136 (P&H), Bishnu Deo Shaw vs. State of West Bengal 1979 CAR 385 (SC) Rajeshwar Prasad Misra Vs. The State of West Bengal and another AIR 1965 SC 1887 (V 52 C 320).

9. It is directed that they be released on probation on their furnishing personal bonds to satisfaction of trial court for keeping peace and be of good behaviour for a period of six months and to pay as compensation of Rs.15,000/- (Rs.7500/- each) equally to Ladhu Ram, complainant and Ved Parkash, injured within 10 days and in breach thereof to appear before trial court to serve sentence as and when called. Amount of fine already deposited by appellants will be treated as costs of proceedings.

10. In view of above, appeal stands dismissed but with modification in order of sentence as stated above.”

7. Aggrieved thereof, the instant petition has been filed by the petitioners.

8. Learned counsel appearing on behalf of the petitioner has vehemently contended that the charges levelled against the respondents—accused stood duly established by the prosecution on the basis of cogent oral and medical evidence. It is submitted that the petitioner sustained an incised

wound on the right forearm, just below the elbow, which clearly corroborates

the allegation of assault with a sharp-edged weapon. It is further contended that the eye-witness, Ved Parkash, also suffered a lacerated wound measuring 3×1 cm on the right parietal region of the head, thereby lending further credence to the prosecution version. On the strength of the aforesaid evidence, learned counsel submits that the learned Sessions Court erred in law in reducing the sentence to the period already undergone and in extending the benefit of probation to the respondents–accused. It is, therefore, prayed that the order granting probation be set aside and the sentence be suitably enhanced in accordance with law.

9. Learned State Counsel on the other hand contends that the order of probation has been passed by the Court after taking into consideration all the mitigating circumstances.

10. I have heard learned Counsel appearing on behalf of the petitioner and have gone through the documents appended alongwith the present petition.

11. The core object behind probation of an offender is to reform and rehabilitate offender and more particularly first time, young or minor offenders by an alternate punishment. It prevents them from being exposed to a world of crime and hardened criminals. Sentencing being a cardinal responsibility to be discharged by the Court, a reformatory punishment is ordinarily not interfered with when there is any manifest illegality or perversity in an order/judgment.

12. It is evident that the Sessions Judge has duly considered the factual circumstances of the case and the submissions advanced on behalf of the respondents–accused while extending to them the benefit of probation.

The Court has specifically taken note of the fact that the incident in question was nearly four years old at the time of adjudication and that the parties belonged to marginal families. It has further been recorded that the respondents–accused had no prior criminal antecedents and satisfied the statutory requirements prescribed under Sections 3, 4 and 12 of the Probation of Offenders Act, 1958. On an evaluation of these factors, the learned Sessions Judge deemed it appropriate to extend the benefit of probation in lieu of imposing substantive custodial sentence.

13. In the exercise of revisional jurisdiction, this Court would not ordinarily interfere with or substitute the quantum of sentence awarded by the Trial Court or the Appellate Court, unless the sentence imposed is shown to suffer from manifest inadequacy, grave disparity, or is wholly disproportionate to the nature and gravity of the offence. In the present case, the incident, on its face, does not disclose an offence of such a heinous or grave character as would shock the conscience of the Court or warrant denial of the statutory benefit of probation. The occurrence appears to have arisen out of a localized dispute and does not bear the attributes of a crime affecting society at large in a manner requiring deterrent custodial punishment. Furthermore, there is no material placed on record indicating the existence of any aggravating or incriminating circumstance that would disentitle the respondents–accused from the benefit contemplated under the Probation of Offenders Act, 1958. In the absence of such compelling factors, the exercise of discretion by the learned Sessions Judge in extending the benefit of probation cannot be said to suffer from illegality or perversity warranting interference.

14. In the totality of the circumstances, it is evident that the learned Sessions Court has duly considered the relevant facts, the conduct of the respondents—accused, and all attendant circumstances before extending the benefit of probation. There is no material on record to indicate that the respondents—accused have violated any condition of the probation order or have conducted themselves in a manner inconsistent with the terms thereof during the relevant period. In the absence of any perversity, illegality, or material irregularity in the order passed by the learned Sessions Court, this Court finds no justifiable ground to interfere with the discretion exercised therein.

15. Accordingly, finding no merit in the present petition, the same stands dismissed.

(VINOD S. BHARDWAJ)

JUDGE

FEBRUARY 05, 2026

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No