



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

238

CRR-1497-2021
Date of decision: 27.04.2026

SURINDER KUMARPetitioner

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

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

Present: - Mr. S.S. Hira, Advocate
for the petitioner.

Mr. Ekampal Sagoo, AAG, Punjab.

Mr. Manish Dadwal, Advocate
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (Oral)

The present revision petition has been filed against the judgment dated 01.09.2021 passed by the Additional Sessions Judge, Hoshiarpur in Criminal Appeal bearing CIS No. 17 of 2019 preferred against the judgment of conviction and order of sentence dated 03.01.2019 passed by Additional Chief Judicial Magistrate, Hoshiarpur in case arising out of FIR No.9 dated 26.01.2014 registered under Section 452, 323, 325, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station: Sadar, Hoshiarpur to the

extent whereby the accused-respondents No.2 to 5 have been released on probation.

2. Briefly stated, the present FIR was registered on the statement of the injured complainant, Surinder Kumar, resident of Village Nangal Bassi, District Kangra (H.P.) who alleged that on 13.01.2014, at about 8:30 PM, on the occasion of the festival of Lohri, the complainant along with his family members was present in the courtyard of his in-laws' house at New Colony, Chohal, where they had lit a fire. It is alleged that during the said time, a dispute arose when the complainant's minor daughters started crying after he refused to give them money. Upon hearing the commotion, the accused persons, namely Manjit Singh, Ranjit Singh, Darshan Singh, Kuljinder Kaur and Harjinder Kaur entered the house of the complainant. It is further alleged that they were armed with weapons such as a 'dat', 'dang', and 'danda' and proceeded to assault the complainant and his father-in-law Des Raj. The complainant is stated to have sustained injuries on his hand, leg and neck, while his father-in-law also suffered injuries during the incident. It is further alleged that the accused persons also scuffled with the complainant's wife. Upon raising alarm, the accused persons fled from the spot along with their respective weapons. The injured persons were thereafter taken to Civil Hospital, Hoshiarpur, where they received medical treatment.

3. Investigation was conducted and the respondents-accused persons were arrested. After completion of the investigation, challan was presented in the Court and copies of the same were supplied to the respondent-accused.

4. Upon consideration of the material placed on record and finding that a prima facie case was made out, the Trial Court framed charge against the respondent-accused under Sections 452, 323, 325, 148 and 149 of the IPC, to which, they pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution examined the following witnesses:

PW No.	Name & Designation
PW1	Dr. Hardip Singh
PW2	ASI Sohan Lal
PW3	ASI Dharam Pal
PW4	Surinder Kumar
PW5	Usha Rani
PW6	Des Raj
PW7	HC Subash Chander
PW8	HC Raj Kumar
PW9	Dr. Vinod Pal

6. Upon closure of prosecution evidence, while recording their statement under Section 313 Cr.P.C. the respondent-accused when confronted with evidence appearing against them, denied all the evidence and pleaded false implication. No evidence was, however, led by them in their defence.

7. The parties were heard by the trial Court and after considering the evidence adduced and the rival submissions advanced, the respondent-accused persons were convicted for commission of offences punishable under

Section 452, 323, 325, 148 read with Section 149 IPC. However, they were acquitted of the charge under Section 506 IPC. Vide order of sentence dated 03.01.2019, the respondent-accused were thus sentenced as under:-

Name of accused	Sentence	Imprisonment in default of payment of fine
Manjit Singh	U/s 452 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs. 2000/- in default of payment of fine further undergo simple imprisonment for 6 months.
	U/s 325 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs. 2000/- in default of payment of fine further undergo simple imprisonment for 6 months.
	U/s 323 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 06 months and fine of Rs. 500/- in default of payment of fine further undergo simple imprisonment for 1 month.
	U/s 148 IPC	Rigorous imprisonment for a period of 1 year.
Ranjit Singh	U/s 452 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs. 2000/- in default of payment of fine further undergo simple imprisonment for 6 months.

	U/s 325 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs. 2000/- in default of payment of fine further undergo simple imprisonment for 6 months.
	U/s 323 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 06 months and fine of Rs. 500/- in default of payment of fine further undergo simple imprisonment for 1 month.
	U/s 148 IPC	Rigorous imprisonment for a period of 1 year.
Darshan Singh	U/s 452 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs. 2000/- in default of payment of fine further undergo simple imprisonment for 6 months.
	U/s 325 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs. 2000/- in default of payment of fine further undergo simple imprisonment for 6 months.
	U/s 323 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 06 months and fine of Rs. 500/- in default of payment of fine further undergo simple imprisonment for 1 month.

	U/s 148 IPC	Rigorous imprisonment for a period of 1 year.
Harjinder Kaur	U/s 452 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs. 2000/- in default of payment of fine further undergo simple imprisonment for 6 months.
	U/s 325 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs. 2000/- in default of payment of fine further undergo simple imprisonment for 6 months.
	U/s 323 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 06 months and fine of Rs. 500/- in default of payment of fine further undergo simple imprisonment for 1 month.
	U/s 148 IPC	Rigorous imprisonment for a period of 1 year.
Kuljinder Kaur	U/s 452 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs. 2000/- in default of payment of fine further undergo simple imprisonment for 6 months.
	U/s 325 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 02 years and fine of Rs. 2000/- in default of payment of fine further undergo simple imprisonment for 6 months.

	U/s 323 IPC read with Section 149 IPC	Rigorous imprisonment for a period of 06 months and fine of Rs. 500/- in default of payment of fine further undergo simple imprisonment for 1 month.
	U/s 148 IPC	Rigorous imprisonment for a period of 1 year.

8. All the sentences were ordered to run concurrently.
9. Aggrieved by the said judgment of conviction, the private respondents herein preferred a criminal appeal bearing CIS No. 17 of 2019 before Additional Sessions Judge, Hoshiarpur. The appellate court, upon reappraisal of the material on record, dismissed the appeal vide judgment dated 01.09.2021, holding that no illegality or infirmity could be found in the judgment rendered by the Trial Court. However, the private respondents no. 2 to 5 herein were ordered to be released on probation for a period of 2 years. The operative part of the order reads thus:-

“Accordingly, while maintaining conviction of accused under section 452,325,323/149 & 148 IPC, sentence passed upon appellants-accused is set aside and the appellants-accused Manjit Singh, Darshan Singh, Harjinder Kaur and Kuljinder Kaur are ordered to be released on probation of good conduct U/s 4(i) of the Probation of Offenders Act, 1988 for a period of two years on their furnishing probation bonds in the sum of Rs. 50,000/- each with one surety in the like amount each within three days from today, with undertaking to maintain peace and be of good behaviour and not to commit offence again, failing which appellants-accused shall be called upon to appear in the court and to receive the sentence that may be passed upon them.

The appellants-accused are burdened with litigation cost of Rs. 1000/- each. Cost paid.”

10. Aggrieved by the grant of probation to the private respondents, the complainant-petitioner has instituted the present petition.

11. Learned counsel appearing on behalf of the petitioner has contended that the benefit of probation has been erroneously and unjustifiably extended to the respondent-accused persons. It is submitted that the Appellate Court has failed to appreciate the seriousness and gravity of the offences for which the respondents stand convicted and has adopted an unduly lenient approach in granting them the benefit of probation. It is further contended that once the charges stood proved and conviction was recorded on the basis of cogent evidence, the sentence imposed by the Trial Court ought to have been upheld. The nature of the offences, involving unlawful assembly and infliction of injuries, warranted imposition of a deterrent sentence rather than release on probation. Learned counsel thus submits that the discretion exercised in favour of the respondents is misplaced and contrary to settled principles governing grant of probation.

12. Learned counsel further contends that the judgments relied upon by the Appellate Court for extending the benefit of probation are clearly distinguishable on facts and were inapplicable to the present case. It is submitted that the Appellate Court has misdirected itself in placing reliance upon such precedents without appreciating the factual matrix and the nature of the offences involved herein. It is further argued that the Appellate Court has failed to take into consideration that the respondent-accused persons had instituted a false criminal complaint against the petitioner, alleging outraging

of modesty of accused Kuljinder Kaur, which ultimately came to be dismissed. On account of such false implication, the petitioner was compelled to undergo the ordeal and harassment of a criminal trial. In such circumstances, it is contended that the petitioner was entitled to compensation, and his case ought to have been considered under Section 357 Cr.P.C. The failure of the Appellate Court to address this aspect vitiates the impugned order to that extent.

13. Learned counsel appearing on behalf of the respondent–accused persons submits that the Appellate Court has taken into consideration the mitigating circumstances before extending the benefit of probation. It is contended that the discretion exercised by the Appellate Court is founded upon a balanced appreciation of the factual matrix and the surrounding circumstances of the case and the mitigating factors noticed and recorded by the Appellate Court, justify the grant of probation. The observation made by the appellate court in this regard is extracted as under:

“At the outset, it is pertinent to mention here that during the course of arguments, learned counsel for appellants-accused has not challenged the conviction of accused under sections 148,452,323,325,149 IPC. The appellants Manjit Singh, Darshan Singh, Harjinder Kaur and Kuljinder Kaur have suffered joint statement that that they belongs to one family. They do not challenge their conviction under appeal. Appellant Darshan Singh is aged about 68 years and is old and infirm person, whereas appellant Harjinder Kaur is aged about 63 years, appellant Manjit Singh is 34 years of age and doing small shop in the village and his wife Kuljinder Kaur is house wife and both are having one minor child. They have further stated that

whole of the family dependent upon Manjit Singh and they prayed that they may kindly be released on probation.”

14. Learned counsel appearing on behalf of the respondent–accused contends that it was in view of the aforesaid mitigating circumstances that the Appellate Court extended the benefit of probation to the respondents. It is submitted that the discretion so exercised is in consonance with settled principles governing the Probation of Offenders Act and does not suffer from any illegality.

15. With regard to the plea seeking grant of compensation, learned counsel submits that no such contention or prayer was ever raised by the petitioner either before the Trial Court or at any appropriate stage during the proceedings. It is contended that the said plea has been raised for the first time at the stage of the present revision petition and is, therefore, clearly an afterthought. He submits that even otherwise, Counsel for the petitioner has failed to point out as to why the benefit of Probation of Offenders Act be not extended to the petitioner considering that they have fulfilled the specific conditions prescribed therein for any person to be eligible to claim such a benefit.

16. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present petition.

17. Insofar as the contention of the petitioner against the order granting the benefit of probation is concerned, it would be apposite to make a reference to Section 4 of Probation of Offenders Act, 1988 which provides for release of Probation on good conduct. The same is extracted as under:-

4. Power of Court to release certain offenders on probation of good conduct:-

(1) When any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the Court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the Court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period not exceeding three years, as the Court may direct, and in the meantime to keep the peace and be of good behaviour: Provided that the Court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the Court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.

(2) Before making any order under sub-section (1), the Court shall take into consideration the report, if any, of the probation officer concerned in relation to the case.

(3) When an order under sub-section (1) is made, the Court may, if it is of opinion that in the interests of the offender and of the public it is expedient so to do, in addition pass a supervision order directing that the offender shall remain under the supervision of a probation officer named in the order during such period, not being less than one year, as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the offender.

(4) The Court making a supervision order under sub-section (3) shall require the offender, before he is released, to enter into

a bond, with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants or any other matter as the Court may, having regard to the particular circumstances, consider fit to impose for preventing a repetition of the same offence or a commission of other offences by the offender.

(5) The Court making a supervision order under sub-section (3) shall explain to the offender the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to each of the offenders, the sureties, if any, and the probation officer concerned.

18. It is evident from a perusal of the above that the requirement for extending benefit under the aforesaid Act is contingent upon the offence not being punishable with death or imprisonment for life and further requires the Court to consider the circumstances of the case, the nature of the offence as well as the character and antecedents of the offender. It is submitted that there is nothing on record on the basis whereof it may be assumed that the petitioner suffers from any disqualification so as to disentitle them from the grant of such benefit. It is further not disputed that the respondent–accused persons do not have any prior criminal antecedents and have not been involved in any other criminal case, either before or subsequent to the present occurrence.

19. Referring to the submission advanced by learned counsel for the petitioner that the judgments relied upon by the Appellate Court are distinguishable on facts, I am of the opinion that mere factual dissimilarity would not, by itself, render such precedents inapplicable. What is of significance is the ratio decidendi and the legal principles laid down therein. Unless it is demonstrated that the principles enunciated in the said judgments

are inapposite or in conflict with the facts of the present case, the mere distinction on facts may not be sufficient to discard their applicability. The precedents, therefore, continue to hold persuasive value insofar as the legal position governing the grant of probation is concerned.

20. Moreover, a period of more than 4 years, since the release on probation. The private respondents have not violated the condition of probation. It would not be in the fitness of things or equity, at this stage, to interfere in the order of probation.

21. In view of the aforesaid, the challenge raised by the petitioner, premised on an erroneous understanding of the basis of the impugned judgment, is devoid of merit.

22. It is a settled principle of law that in the absence of any demonstrable perversity, illegality or manifest error in the conclusions arrived at by the Courts, the findings recorded would not call for interference. It is also settled that where two views are reasonably possible on the basis of the evidence on record, the view which has commended itself to the Trial Court and has been affirmed by the Appellate Court ought not to be disturbed merely on the ground that another view may also be conceivable. It is further well established that the scope of revisional jurisdiction is inherently limited. While exercising such jurisdiction, the High Court does not sit as a court of appeal to re-appreciate the entire evidence or to substitute its own conclusions for those arrived at by the Courts below. Interference is warranted only where there exists a patent illegality, gross perversity, material irregularity or a manifest miscarriage of justice.

23. In the present case, no such infirmity, be it illegality, perversity, impropriety or mis-appreciation of evidence has been pointed out or is otherwise discernible from the record in the judgments rendered by the Courts. The findings are based on a proper and judicious appreciation of the evidence and do not suffer from any error warranting interference in revisional jurisdiction.

24. Adverting now to the submission advanced on behalf of the petitioner that he is entitled to compensation under Section 357 Cr.P.C. on account of having faced a false complaint alleging attempt to outrage modesty, this Court finds no merit in the said contention. The provisions of Section 357 Cr.P.C. are not attracted in the present case, inasmuch as the said criminal complaint was tried independently and constituted a separate set of proceedings. A mere acquittal of the petitioner in the said case would not ipso facto lead to the conclusion that the complaint was false or malicious. The determination of falsity or otherwise of the allegations would require an independent adjudication based on the evidence led in that case. Furthermore, any claim for compensation arising out of said prosecution would have to be examined in proceedings, which does not form part of the record in the present case. It is also pertinent to note that the present proceedings cannot be treated as a continuation or extension of the earlier criminal case. Consequently, the plea seeking compensation under Section 357 Cr.P.C. in the present proceedings is misconceived and cannot be entertained.

25. Further, adverting now to the aspect as to whether the petitioner is entitled to grant of compensation under Section 357 Cr.P.C. on account of the conviction of the respondent–accused persons in the present case. In so far

as Section 357 Cr. P.C. is concerned, the same deals with an eventuality that where the Court imposes a sentence of fine, or a sentence of which fine forms a part, and empowers the Court to direct that the whole or any part of such fine be applied towards compensation to the victim. Section 357(3) empowers the Court imposing a sentence to also pass a separate order for awarding compensation for any loss or injury that may be suffered by the convict. However, in the present case, it is evident that no such prayer for grant of compensation was ever raised by the petitioner either before the Trial Court or before the First Appellate Court. In the absence of any such claim having been made at the appropriate stage, the petitioner cannot be permitted to raise the said plea for the first time in the present proceedings.

26. Counsel for the respondent-accused, however, offers and undertakes to pay a **compensation of Rs. 10,000/-**. He undertakes to deposit the said amount before the concerned Illaqa Magistrate, within a period of 08 weeks from the receipt of certified copy of this order. The same is accepted as a fair compensation in the facts of the present case. It is directed that upon deposit of the aforesaid amount of Rs. 10,000/- as undertaken today, the same be disbursed to the petitioner as compensation. No further modification is called for. The present petition is accordingly **disposed of**.

APRIL 27, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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