



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

CRR-1842-2011

Date of decision: 08.04.2025

KAUR SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishav Jain, Advocate;
Ms. Shivaly Singla, Advocate and
Ms. Vasudha Sharma, Advocate for
Mr. H.S. Rakhra, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition has been filed against the impugned judgment dated 25.07.2011 passed by learned Sessions Judge, Bathinda, whereby judgment of conviction dated 06.04.2011 passed by learned Judicial Magistrate Ist Class, Phul has been upheld, however, order of sentence of even date i.e. 06.04.2011 has been modified by releasing the petitioner on probation for one year.

2. Brief facts of prosecution case are that on 23.08.2005 at about 2:30 PM, when the SDM was meeting with public and addressing their grievances, the accused entered into his office and started abusing him. Thereafter, when accused, with intention to manhandle SDM, Phul moved towards him, the complainant tried to stop him being his duty to protect SDM, Phul, then petitioner pushed him and the complainant struck against the door. Hence, the



FIR (*supra*) was registered.

3. On assessing all the material available on the record, the learned trial Court convicted and sentenced the petitioner/accused vide judgment of conviction and order of sentence dated 06.04.2011 for commission of offence under Sections 353/186 of IPC along with default mechanism. Aggrieved by the same, the petitioner preferred an appeal before the learned lower Appellate Court, which was partly allowed and he was released on probation for a period of one year on his furnishing personal bonds in the sum of Rs.20,000/- with one surety in the like amount.

4. Learned counsel for the petitioner contends that the Courts below have fallen into grave error by not acquitting the petitioner. He submits that the learned trial Court has convicted the petitioner under Sections 353/186 of IPC and awarded rigorous imprisonment for one year and the learned lower Appellate Court released him on probation for one year, which has caused injustice to the petitioner. Further, initially the case was investigated by S.P., City Bathinda and a cancellation report was presented, which was approved by S.S.P. Bathinda, however, the learned trial Court has erred in taking cognizance of the offence and rejected the cancellation report.

5. *Per contra*, learned State counsel opposes the prayer made by the petitioner and submits that the learned lower Appellate Court has rightly granted the probation to the petitioner, as such, no interference is warranted.

6. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the learned lower Appellate Court, after taking into consideration the fact that the petitioner is facing the trial since long and he is a first time offender, vide the



impugned judgment dated 25.07.2011 has rightly granted him, the concession of probation, while invoking provisions of Sections 3 and 4 of Probation of Offenders Act. 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.”



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



8. Needless to say, in view of the Section 12 of Probation of Offenders Act, judgment of conviction and order of sentence dated 25.07.2011 passed by learned Sessions Judge, Bathinda, shall not be a hurdle to petitioner, in any way, to get retiral benefits and other service benefits to which he is entitled to.

April 08, 2025
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(HARPREET SINGH BRAR)
JUDGE

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