



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

**CRR-273-2013(O&M)
Date of decision: 05.08.2025**

Baljinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Vivek Suri, Advocate,
Mr. Dushyant Godara, Advocate, and
Ms. Kritika Sharma, Advocate,
for the petitioner.

Mr. Vikas Sonak, AAG, Punjab.
(Through Virtual Mode)

VIKRAM AGGARWAL, J. (ORAL)

The instant revision petition assails the judgment dated 15.12.2012 passed by the Court of Sessions Judges, Fatehgarh Sahib, and the judgment of conviction dated 27.05.2010, along with the order of sentence of even date, passed by the Court of Judicial Magistrate Ist Class, Fatehgarh Sahib.

2. Vide judgment of conviction dated 27.05.2010, the present petitioner (Baljinder Singh) was convicted under Sections 323 & 324 read with Section 34 of the Indian Penal Code, 1860 (for short, 'IPC'). Vide order of sentence of even date, he was sentenced to undergo rigorous imprisonment for a period of 03 months under Section 323 IPC. Under Section 324 IPC, rigorous imprisonment for 09 months along with a fine of Rs.300/- was awarded. In default of payment of fine, he was to undergo further rigorous imprisonment for a period of 02 months.



3. On 11.07.2006, upon a message having been received about one Gurjit Singh being admitted in Civil Hospital, Fatehgarh Sahib, a police team reached the hospital, where the injured was declared to be unfit to make a statement. Subsequently, on 13.07.2006, his statement was recorded. According to Gurjit Singh, being a farmer by profession, on 11.07.2006 he left his house for his paddy fields. When he reached the fields at about 9:00 am, the present petitioner (Baljinder Singh) and Sukhpal Singh both sons of Teja Singh, Jamli wife of Sukhpal Singh, along with their servant, were found digging up the bunds of his fields using spades. The petitioner (Baljinder Singh) was armed with a sickle (dati), their servant had a spade, and Sukhpal and his wife were carrying iron pipes. When Gurjit Singh confronted them as to why they are doing so, the petitioner (Baljinder Singh) attacked him with a sickle which hit him on the upper side of his right eye, Sukhpal Singh and his wife struck Gurjit Singh with the iron pipes, and their servant slapped him. Upon hue and cry having been raised, Harjit Singh, brother of Gurjit Singh, arrived at the scene and rescued him. The assailants fled from the spot. FIR (Ex.PW3) was registered. Investigation commenced. After completion of the same, final report under Section 173 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') was submitted.

4. Charges were framed under Sections 323 and 324 read with Section 34 IPC, to which the accused pleaded not guilty and claimed trial.

5. The prosecution examined six witnesses, and after the conclusion of the evidence, statement of accused was recorded under Section 313 Cr.P.C. No evidence was led in defence.



6. The petitioner was convicted and sentenced as referred to in the opening part of the judgment. In appeal, the petitioner was acquitted of the offence under Section 323 IPC but the conviction under Section 324 IPC was upheld.

7. I have heard learned counsel for the parties.

8. Mr. Vivek Suri, learned counsel representing the petitioner, submits that the petitioner is a Civil Engineer in government service. He submits that the petitioner does not challenge the judgment of conviction on merits. However, keeping in view the fact that the petitioner has suffered a protracted trial and has also undergone custody for about 02 months and 04 days, and has deposited the fine, the benefit of probation be afforded to him. Learned counsel further submits that the petitioner has no criminal antecedents.

9. The prayer has been opposed by learned State counsel stating that the judgment of conviction and the order of sentence deserve to be upheld. However, learned State counsel concedes that actual sentence of 02 months and 04 days has already been undergone by the petitioner, and that he has no criminal antecedents.

10. I have considered the submissions made by learned counsel for the parties.

11. I have perused the judgments passed by both Courts and find the same to be well-reasoned. No interference is, therefore, called for on merits in so far as conviction is concerned.

12. As regards the order of sentence, the offence is stated to have been committed in July 2006, that is almost 20 years ago. The judgment of



conviction was passed on 27.05.2010, and the appeal was also decided on merit on 15.12.2012, after which the present revision petition was filed. At the time of commission of offence, the petitioner was about 36 years of age and presently must be around 56 years old. It is, therefore, clear that the petitioner has faced agony of criminal proceedings for about 20 years.

13. The question, therefore, which arises is whether it would be justifiable to send the petitioner behind bars to undergo the remaining sentence, or whether his prayer for grant of probation deserves consideration.

14. Insofar as Section 324 IPC is concerned, it does not prescribe any minimum sentence. In fact, the punishment may extend to imprisonment for a term of up to 03 years, or with fine, or with both. We cannot lose sight of the fact that right to a speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution of India. Article 21 thereof takes within its sweep the right to an expeditious and fair trial. Though it is not a fundamental right, the said right was recognized by the Hon'ble Supreme Court of India in the case of **Hussainara Khatoon vs. Home Secretary, State of Bihar, 1980(1) SCC 81**. It was held that a speedy trial is implicit in the broad sweep and content of Article 21 of the Constitution. This principle has been reiterated by the Hon'ble Supreme Court of India in a series of subsequent judgments.

15. Speaking about the need of speedy trial, the Constitution Bench of the Hon'ble Supreme Court in **Kartar Singh vs. State of Punjab, 1994(3) SCC 569**, observed as under:



“86. The concept of speedy trial is read into Article 21 an essential part of the fundamental right to life and liberty guaranteed and preserved under our Constitution. The right to speedy trial begins with the actual restraint imposed by arrest and consequent incarceration and continues at all stages, namely, the stage of investigation, inquiry, trial, appeal and revision so that any possible prejudice that may result from impermissible and avoidable delay from the time of the commission of the offence till it consummates into a finality, can be averted. In this context, it may be noted that the constitutional guarantee of speedy trial is properly reflected in Section 309 of the Code of Criminal Procedure.”

16. Keeping in view the facts referred to in the preceding paragraph and the law on the subject, while maintaining the conviction of the petitioner under Section 324 IPC, the prayer for release of the petitioner on probation is accepted considering that the petitioner has no criminal antecedents and has undergone the agony of a protracted trail. It is directed that the petitioner be released on probation for a period of 06 months on furnishing the requisite probation bonds in the sum of Rs.50,000/- with a surety of like amount to the satisfaction of the Chief Judicial Magistrate concerned, within a period of six weeks from the receipt of certified copy of this order.

16.1 In case, the petitioner fails to comply with the aforesaid directions, the order directing his release on probation shall stand



automatically vacated, and the petitioner shall have to undergo the actual sentence imposed by Courts.

17. The revision petition accordingly stands disposed of.

(Vikram Aggarwal)
Judge

August 5, 2025

Rekha/Rajan

Whether speaking / reasoned:
Whether Reportable:

Yes/No
Yes/No