

CRM-29575-2018 in/and  
CRR-2804-2018

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2025:PHHC:095469



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

**CRM-29575-2018 in/and  
CRR-2804-2018  
DECIDED ON: 02.07.2025**

**CHANAN SINGH**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB & OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr.BBS Randhawa, Advocate  
for the petitioner.

Mr.Akhil Kmara, AAG, Punjab

**SANDEEP MOUDGIL, J (ORAL)**

**CRM-29575-2018**

Application under section 5 of the Limitation Act has been filed  
for condonation of delay of 68 days in filing the revision.

For the reasons mentioned in the application, the same stands  
allowed with just exceptions. Delay stands condoned.

Application disposed of.

**Main Case**

1. The present revision petition has been directed against the  
impugned order dated 14.12.2017, passed by Ld. Additional Sessions Judge,

Gurdaspur for releasing the respondents no.2 to 5 on probation on furnishing probation bonds in sum of Rs.5000/- with one surety.

2. The brief facts of the case unfolds that the petitioner registered an FIR No. 77 of 18.07.2011 for the offence punishable under sections 326,324,323,34 of the IPC, P.S Ghuman. The petitioner along with his two brothers collectively brought a land measuring 6.5 kanals which is situated near the Dera of Mangal Singh son of Mehar Singh wherein he had installed two pies for throwing the dirty water of laterine of his house in their fields. When the same was obstructed by the petitioner, Mangal Singh along with his sons Mithu-armed with sword, Lakha-armed with fodder cutter, Rana-armed with stick came in field of the petitioner and gave him injuries, which was witnessed by the brother of the petitioner and on raising hue and cry, the respondents ran away from the spot. The trial court vide order dated 25.04.2016 sentenced the respondent no.2 to 5 for 2 years under section 326,34 IPC and for 1 year under section 323, 34 IPC each with fine of Rs.1000/- each which was challenged by way of appeal in the court of Ld. Additional Sessions Judge, Gurdaspur wherein vide order dated 14.12.2017, it was held that that the trail court has wrongly held accused persons guilty under section 326 IPC and in the interest of justice released the accused persons on probation being first time offenders. Hence, the present revision.

3. Counsel for the petitioner contends that the Ld. Additional Sessions Judge has committed a grave error while releasing the respondents on probation by ignoring the injuries suffered by the petitioner.

He further contends that the lower appellate court ignored the statement of PW-6 who stated that Mangal Singh and Rajbir Singh were arrested and recovery memo Ex. PW5/E vide which Kirpan was recovered from Rajbir Singh. Also, the court has also ignored the fact that it has been established by the prosecution evidence that on the fateful day, the accused were armed with weapons for causing injuries to the petitioner with a common object.

4. Heard, learned counsel for the petitioner at length and meticulously perused the record in hand.

5. Having heard the counsel for the petitioner as well as after perusing the record in hand, this court finds no illegality, infirmity in the judgment of the lower appellate court dated 14.12.2017. It is clearly evident from the judgment of the lower appellate court that PW-6 Gurvail Singh, Radiographer has admitted that the radiologist was Dr. Sukhdev Singh who has not been examined. PW-6 has further admitted that the name of the injured in the skiagram with regard to the incident in question has not been mentioned meaning thereby, the prosecution in the absence of the radiologist has failed to prove the allegations of injuries to attract the offence under section 326 IPC.

Coming to the release of the accused on probation, this court is sanguine of the fact that for exercising the power which is discretionary, the Court has to consider circumstances of the case, the nature of the offence and the character of the offender. While considering the nature of the offence, the Court must take a realistic view of the gravity of the offence,

the impact which the offence had on the victim. The benefit available to the accused under the Probation of Offenders Act is subject to the limitation embodied in the provisions and the word "may" clearly indicates that the discretion vests with the Court whether to release the offender in exercise of the powers under [Section 3](#) or [4](#) of the [Probation of Offenders Act](#), having regard to the nature of the offence and the character of the offender and overall circumstances of the case. The powers under [Section 4](#) of the Probation of Offenders Act vest with the Court when any person is found guilty of the offence committed, not punishable with death or imprisonment for life. This power can be exercised by the Courts while finding the person guilty and if the Court thinks that having regard to the circumstances of the case, including the nature of the offence and the character of the offender, benefit should be extended to the accused. Moreover, The Hon'ble Apex Court in case of *Jagat Pal Singh & others vs. State of Haryana, AIR 2000 SC 3622* has given the benefit of probation while upholding the conviction of accused persons under [Sections 323,452,506](#) IPC and has released the accused persons on executing a bond before the Magistrate for maintaining good behaviour and peace for the period of six months.

6. Likewise, relying upon the principle laid down in the case of “*Isher Dass Vs State of Punjab, AIR 1972 SC 1295*” the same view was again reiterated by the Hon’ble Apex Court in case titled “*Arvind Mohan Sinha Vs Amulya Kumar Biswas and other, 1974 AIR (SC) 1818* wherein it has been held that:-

*“11. Probation of Offenders Act is a reformatory measure and its object is to reclaim amateur offenders who, if spared the indignity of incarceration, can be usefully rehabilitate in society. A jail term should normally be enough to wipe out the stain of guilt but the sentence which the society passes on convicts is relentless. The ignominy commonly associated with a jail term and the social stigma which attached to convicts often render the remedy worse than the disease and the year purposes of punishment stands in the danger of being frustrated. In recalcitrant cases punishment has to be deterrent so that others similarly minded may warn themselves of the hazards of taking to a career of crime. But the novice who strays into the path of crime ought, in the interest of society, be treated as being socially sick. Crimes are not always rooted in criminal tendencies and their origin may lie in psychological factors inducted by hunger, want and poverty. The Probation of Offenders Act recognizes the importance of environmental influence in the commission of crimes and prescribes a remedy whereby the offender can be reformed and rehabilitated in society. An attitude of social defiance and recklessness which comes to a convict who, after a jail term, is apt to think that he has no more to lose or fear may breed a litter of crime. The object of the Probation of Offenders Act is to nip that attitude in the bud. Winifred A Sikin describes probation as a system*

*which provides a means of re- education without the necessity of breaking up the offender's normal life and removing him from the natural surroundings of his home... ”.*

7. In the light of above discussion and the spectrum of law discussed, this court is of the considered opinion that there is no illegality or infirmity in the judgment of the lower appellate court dated 14.12.2017 and the same stands upheld.

8. Hence, the instant petition having no merits stands dismissed with no order as to costs.

9. Ordered accordingly.

(SANDEEP MOUDGIL)  
JUDGE

02.07.2025

Meenu

*Whether speaking/reasoned* :Yes/No

*Whether reportable* :Yes/No