



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 29.07.2025

1. CRR-2769-2013(O&M)

Raunak Singh and another ... Petitioners

Versus

State of Punjab and others ... Respondents

2. CRR-3157-2013(O&M)

Harinderpal Singh @ kaka ... Petitioners

Versus

State of Punjab and others ... Respondents

3. CRR-3352-2013(O&M)

Pritam Singh and another ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Surjit Singh Swaich, Advocate,
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Rakesh Chopra, Advocate, and
Mr. Joshan Chopra, Advocate, for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This common judgment shall dispose of the abovementioned revisions as all of them are preferred against judgment dated 26.08.2013 passed by learned Additional Sessions Judge, Fatehgarh Sahib, vide which, judgment of conviction and order on quantum of sentence dated 19.02.2013 passed by learned Chief Judicial



Magistrate, Fatehgarh Sahib have been upheld, in case stemming from FIR No.40 dated 06.03.2005 registered under Sections 323/325/148/149 of IPC at Police Station Bassi Pathana, District Fatehgarh Sahib, and the petitioners were sentenced as under :

Name of Convict(s)	Offence under Section(s)	Sentence
1. Raunak Singh (in CRR- 2769-2013)	325 IPC	R.I. for two years and fine of Rs.1000/-
2. Gurmukh Singh (in CRR-2769-2013)		
3. Harinderpal Singh @ kaka (in CRR- 3157-2013)	323/149 IPC	R.I. for six months
4. Pritam Singh (in CRR 3352-2013)	148 IPC	R.I. for one years
5. Bhupinder Singh (in CRR 3352-2013)	325/149 IPC	R.I. for two years and fine of Rs.1000/-

2. Learned counsel for the petitioners submits that petitioner No.1-Raunak Singh in CRR-2769-2013, has passed away during the pendency of the present petition. Accordingly, the proceedings qua petitioner No.1-Raunak Singh stands abated.

3. In brief, the case of the prosecution is that on 02.03.2005, a wireless message was received for recording the statements of the injured, Norata Singh and his wife Nasib Kaur. In his statement, complainant -Narota Singh stated that on 01.03.2005 at about 5:30 pm, he was going to feed the cattle and his wife was also following him. In the meantime, the accused persons, including the petitioners, armed with Gandasi, Bahi and Soti etc, came and started abusing his wife. When he



asked the reason for the abuse, the accused persons responded that they would teach you a lesson of taking possession of the land. Thereafter, the accused persons attacked him and his wife, causing serious injuries to her, due to which she fell down. At that time, his daughter arrived and raised an alarm, upon which people gathered at the spot. The complainant also received injuries. He and his wife were taken to the Civil Hospital for treatment. The doctor declared injuries No.1 & 2 on his wife as grievous, and injury No.1 on the complainant as grievous. Accordingly, the FIR (supra) was registered.

4. After assessing the material available on record, the learned trial Court convicted and sentenced the petitioners vide judgment and order dated 19.02.2013. Aggrieved by the same, the petitioners preferred an appeal, before learned lower Appellate Court, which was also dismissed.

5. Learned counsel for the petitioners contends that the petitioners has been falsely implicated in the present case and the learned Courts below have committed a grave error in convicting the petitioners. He submits that there is no explanation for the delay of 19 hours in recording the statement of Narota Singh, on the basis of which the FIR was registered. He contends that there are discrepancies regarding the weapons involved as well as the location of injuries allegedly inflicted by the petitioners, which proves that a false story has been concocted. For, a civil litigation was decided in favour of the accused. However, the relevant documents have not been properly appreciated. Even during the course of the investigation, nothing was recovered from the petitioners. He contends that as per the complainant's own version, several persons were present at the spot, yet no independent witness was joined or examined during the proceedings.

Further, he contends that he is not assailing the impugned judgment of conviction dated 26.08.2013 on merits and restricts his prayer to modification of the



order on quantum of sentence dated 19.02.2013 to that of the release of the petitioners on probation in view of their good conduct.

6. Per contra, learned State counsel opposes the prayer of the petitioners as learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record, which has also been upheld by the learned lower Appellate Court and as such, they do not deserve any leniency. However, he could not controvert the fact that the petitioners are not involved in any other case.

7. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that petitioners are facing the agony of protracted trial for the last more than 20 years. Since their conviction, the petitioners have grown into law-abiding citizen and desires to live a peaceful life. Moreover, the petitioners has undergone custody of period of 2 Months and 13 days.

8. Sections 3 and 4 of the Probation of Offenders Act, 1958 empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. A two Judge Bench of the Hon'ble Supreme Court in **Som Dutt and others Vs. State of Himachal Pradesh** (2022) 6 SCC 722 speaking through Justice Bela M. Trivedi, has held as under:-

"6....having regard to the fact there are no criminal antecedents against the appellants, the court is inclined to give them the benefit of releasing them on probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the appellants, it is directed that the appellants shall be released on probation of good conduct...."



A two Judge Bench of the Hon'ble Supreme Court in **Lakhvir Singh Vs. State of Punjab** (2021) 2 SCC 763 speaking through Justice Sanjay Kishan Kaul, has held as under:-

"6. We may notice that the Statement of Objects and Reasons of the said Act explains the rationale for the enactment and its amendments: to give the benefit of release of offenders on probation of good conduct instead of sentencing them to imprisonment. Thus, increasing emphasis on the reformation and rehabilitation of offenders as useful and self-reliant members of society without subjecting them to the deleterious effects of jail life is what is sought to be subserved."

Further still, a two Judge Bench of the Hon'ble Supreme Court in **Lakahn Lal @ Lakahn Singh vs. State of Madhya Pradesh** (2021) 6 SCC 100 has opined as follows:

"15. We find that the attention of the Court was not drawn to sub Section (10) of Section 360 which provides that Section 360 will not affect the provisions of 1958 Act or other similar laws for the time being in force for the treatment, training or rehabilitation of youthful offenders. Still further, Section 4 of the 1958 Act has a non obstante clause, giving overriding effect over any other provisions of law.

16. The conjoint reading of the provisions of both the statutes, we find that the provisions of Section 360 of the Code are in addition to the provisions of the 1958 Act or the Children Act, 1960, or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders."



8. The Hon'ble Supreme Court in **Bishnu Deo Shah Vs. State of Jharkhand** AIR 1979 SC 964 has laid down that it is obligatory on the part of the Court to deal with a convict under the provisions of Section 360 of the Cr.P.C., if he is not convicted for an offence punishable with death penalty or imprisonment for life and additionally, if he is not a previous convict. The overarching object of the provision contained in Sections 4 and 6 of the Act and Sections 360 and 361 of Cr.P.C. is to provide an opportunity to the first time offenders to reform and not expose them in association with the hardened habitual criminal inmates incarcerated in the judicial custody.

9. In view of the facts and circumstances of the case, the instant revision petition is disposed of in the following terms:-

1) The judgment dated 26.08.2013 passed by learned Additional Sessions Judge, Sessions Court, Fatehgarh Sahib confirming the conviction of the petitioners is upheld.

2) The order of sentence dated 19.02.2013 passed by learned Chief Judicial Magistrate, Fatehgarh Sahib, is modified to the extent of granting the concession of probation to the petitioners for good conduct.

3) The petitioners shall be released on probation for good conduct on furnishing a personal bond of Rs.10,000/- with a surety for the same amount within four weeks, after furnishing an undertaking to keep the peace and good behaviour for a period of one year to the satisfaction of the concerned trial Court.

4) The petitioners shall remain under the supervision of the concerned Probation Officer during the aforesaid period. If the petitioner fails to comply with the said directions or commit breach of the undertaking rendered by him, he shall be called upon to undergo the sentence imposed upon him by the learned trial Court.

10. Needless to say in view of the Section 12 of Probation of Offenders Act, judgment of conviction and order of sentence dated 19.02.2013 passed by



learned Chief Judicial Magistrate, Fatehgarh Sahib, which have been upheld by learned Additional Sessions Judge, Fatehgarh Sahib, vide judgment dated 26.08.2013, shall not be a hurdle to petitioners, in any way, to get retiral benefits and other service benefits to which they are entitled to.

**(Harpreet Singh Brar)
Judge**

29.07.2025

Rajan

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No