

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

2025.PHHC.135665



244

CRR-3742-2017 (O&M)

Date of decision: 16.09.2025

Gurmeet Singh

....Appellant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr.Vipin Mahajan, Advocate for the petitioner

Mr. Jasjit Singh, DAG, Punjab

AMAN CHAUDHARY, J.

1. The present criminal revision has been filed against the judgment dated 08.08.2017 passed by learned Additional Sessions Judge, Gurdaspur, whereby acquittal of respondent No.2 was affirmed and respondent Nos.3 and 4 were released on probation.

2. Briefly put, the facts of the case are that on 17.07.2010 at about 8.00 am, when Gurmeet Singh (complainant) alongwith Ranjit Singh, Balwinder Singh was present in the fields, Mukhwant Singh (since deceased), Sukhwant Singh, Baljit Singh, Sartaj Singh armed with their respective Datters, came there and upon raising a lalkara by one of them, an altercation took place, in which the complainant party received injuries. On the basis of a statement made by Gurmeet Singh, FIR in question was registered against Mukhwant Singh, Sukhwant Singh, Baljit Singh and Sartaj Singh, who were arrested. After completion of investigation, challan was presented against them and charges under Sections 326, 324, 323 read with Section 34 IPC were framed, to which they pleaded not guilty and claimed trial.

3. A total of 7 witnesses were examined by the prosecution in order to prove its case. The statements of the accused under Section 313 Criminal Procedure Code were recorded, wherein all the incriminating circumstances and evidence were put to them, which they denied and pleaded innocence. In defence, they examined DW-1 HC Jaspal Singh.

4. After hearing the learned counsel for the parties and going through the evidence brought on record, the trial Court came to the conclusion that prosecution had successfully proved its case in bringing home the guilt against Mukhwant Singh, Sartaj Singh and Sukhwant Singh and convicted and sentenced them as noticed above in para no.1, whereas accused-Baljit Singh was acquitted of the charges, as he being an Army personal was present in his Unit at Jalandhar on the day of occurrence i.e. 17.07.2010. The appellate Court vide the impugned order, dismissed the appeals filed by complainant-petitioner and accused-respondent Nos. 3 and 4, however as regards the sentence, ordered that the convicts be released on probation of good conduct and were burdened with compensation to the tune of Rs.30,000 to each of the injured, shared by them equally.

5. Hence, the present revision petition.

6. Learned counsel for the complainant-petitioner vehemently argued that the appellate Court erred in setting aside the conviction under Section 326 IPC and in extending the benefit of probation, despite the fact that the injuries suffered by the complainant and other injured persons stood fully proven from the statements of the witnesses and their medical record. Further that the trial Court has wrongly acquitted accused-respondent No.2, who was present at the spot and caused injuries.

7. Heard and perused.

8. A bare reading of the record shows that accused Baljit Singh

was not present on the day of occurrence i.e. 17.07.2010 at about 8.00 AM, as per testimony of DW-1 Hawaldar Jaspal Singh and attendance certificates Ex.DW1/A and Ex.DW1/B, since after spending his leave, he had returned to his unit and joined the morning parade on 16.07.2010, further no cogent evidence has been presented by the learned counsel to dispel the same. Moreover, as per the medical record of the injured party as well as the complainant, the injuries suffered to them were declared simple in nature.

9. As regards the grant of probation to accused-respondents, Sukhwant Singh and Sartaj Singh, the appellate Court has rightly taken all relevant factors, i.e. their clean antecedents and the nature of occurrence, into account and also ordered them to pay compensation to the injured party. Hon'ble the Supreme Court in **Rattan Lal vs. State of Punjab**, 1964 SCC OnLine SC 40 emphasized that the object of the Probation of Offenders Act is to reform rather than to punish first offenders. Again, in **Dalbir Singh vs. State of Haryana** (2000) 5 SCC 82, it was reiterated that probation should ordinarily be extended to first-time offenders in cases not involving heinous crime. Further, in **Sitaram Paswan and Anr. vs. State of Bihar**, AIR 2005 SC 3534, Hon'ble The Supreme Court had observed that benefit of probation can be extended at the appellate or revisional stage as well.

10. A profitable reference can be made to the judgments of Hon'ble The Supreme Court in **Logendra Nath Jha And Ors. vs. Shri Polailal Biswas**, AIR 1951 SC 316, **K. Chinnaswamy Reddy vs. State Of Andhra Pradesh**, AIR 1962 SC 1788 and **Mahendra Pratap Singh vs. Sarju Singh & Anr**, AIR 1968 SC 707, wherein it has been observed and held that the High Court in its revisional jurisdiction cannot reverse pure finding of fact based on the trial Court's appreciation of the evidence, but for in exceptional cases, where there is glaring defect in the procedure or there is a manifest

error or illegality on a point of law or no appraisal of the evidence at all and consequently, there has been flagrant miscarriage of justice.

11. The arguments addressed by the learned counsel for the petitioner are essentially either relating to a question of fact or an abortive attempt for re-appreciation of evidence on record. Such discourse ordinarily does not fall within the scope and ambit of powers vested in this Court under the revisional jurisdiction.

12. In view of the above, there being no merit in the present petition, the same is hereby dismissed.

16.09.2025
parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No