



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

201

CRA-S No.1574-SB of 2005 (O&M)  
Date of Decision :30.09.2025

Sukhbir and others

.....Appellants

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present : Mr. Tapan Kumar Yadav, Advocate for the appellants.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

**SURYA PARTAP SINGH, J. (Oral):**

By virtue of judgment dated 23.08.2005, the appellants have been convicted for the commission of offence punishable under Sections 323, 325, 148 read with Section 149 IPC and sentenced to undergo imprisonment as under:-

Offence	Imprisonment	Fine	In default of payment of fine
325/149 IPC	Rigorous imprisonment for 3 years	Rs.2,500/-	Rigorous imprisonment for a period of 6 months
323/149 IPC	Rigorous imprisonment for 1 year	----	----
148 IPC	Rigorous imprisonment for 1 year	----	----

2. Aggrieved of the above mentioned judgment of conviction and order of sentence the present appeal has been preferred.

3. In nut-shell, the facts emerging from record are that FIR of this case came into being on the statement of Rati Ram who had stated that on



19.03.2002 at about 6.00 A.M. when he heard commotion near the houses of Jai Chand and Raja Ram, he rushed towards the house of Jai Chand and on the way near Panchayat Ghar, he was waylaid and attacked by several persons including Gian Chand, Ajit Singh, Anup Singh, who were armed with lathies. According to complainant, when he raised hue and cry Raja Ram, Jai Chand, Surender Kumar, Jaimal, Parkash and Smt. Chandrawal, came on the spot, but they, too, came under attack and suffered injuries.

4. Once the FIR was lodged and the investigation was taken up, the trial was conducted against 11 accused. However, the above mentioned trial culminated into conviction of 8 persons namely Sukhbir, Gian Chand, Dharm Pal, Satbir, Anup Singh, Jagdish, Ajit and Ratti Ram. The remaining accused namely Ram Jiwan, Ram Dhan and Layak Ram were acquitted.

5. Another relevant fact with regard to judgment dated 23.08.2005, is that the learned trial Court vide above mentioned judgment observed that the charge for the commission of offence under Section 307 IPC was not made out. Thus the above named 8 accused were convicted for the commission of offence punishable under Sections 323, 325, 148 read with Section 149 IPC only, and the learned trial Court did not convict them for the commission of offence punishable under Section 307 IPC.

6. Heard.

7. It has been argued by learned counsel for the appellants that the appellant do not want to press this appeal with regard to judgment of conviction. Thus in view of above mentioned submissions of learned counsel for the appellants the appeal with regard to judgment of conviction is hereby dismissed and the order whereby the appellants has been held guilty for the commission of offence punishable under Sections 323, 325, 148 read with



Section 149 IPC is hereby upheld.

8. With regard to quantum of sentence it has been contended by learned counsel for the appellants that the appellants have been convicted for the commission of offence punishable under Sections 323, 325, 148 read with Section 149 IPC and the maximum punishment prescribed for the offence is imprisonment up to 7 years.

9. According to learned counsel for the appellants in the present case, the offence for which the appellants have been convicted are triable by the Magistrate and the conduct of the appellants past and post conviction; makes it abundantly clear that except the present case they have not been indulged in any other criminal activity. According to learned counsel for the appellants, in view of above, the appellants are entitled for the benefit of probation. In support of his contentions, learned counsel for the appellants has placed reliance upon the observations made by this Court in the case of **Dayanand Gulia Vs. State of Haryana, CRR-116-2018, decided on 01.08.2023, Law Finder Doc ID # 2505499.**

10. Learned State counsel has controverted the above mentioned plea. According to learned State counsel, initially the appellants were prosecuted for the commission of offence punishable under Section 307 IPC, but the learned trial Court diluted the above mentioned charge, by acquitting the appellants with regard to charge for the commission of offence punishable under Section 307 IPC. The learned counsel for respondent-State has argued that once the lenient view has already been taken by learned trial Court, in view of gravity of offence, the appellants are not entitled for the benefit of probation.

11. The record has been perused carefully.

12. A perusal of the record shows that incident in question had taken



place in the year 2002 i.e. 23 years back and there is nothing on record to show that either before the FIR in question or thereafter, the appellants have indulged in any kind of criminal activity.

13. In addition to above, it is also relevant to mention here that the appellants were convicted for the commission of offence for which the maximum punishment prescribed under the law is imprisonment up to 7 years. They being the first offender, and have a clean record, past and post conviction, are entitled for the benefit of probation. Thus the present appeal qua quantum of sentence is hereby accepted, and the, sentence awarded to the appellants is hereby modified in the following terms.

14. The appellants are afforded the benefit of probation of good conduct subject to the condition of furnishing requisite bonds to the satisfaction of learned trial Court. During probation period they will be supervised by the Probationary Officers, who will submit a report before the learned trial Court.

**(SURYA PARTAP SINGH)**  
**JUDGE**

**30.09.2025**

*Manoj Bhutani*

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