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

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CRR-4780-2017 (O & M)
Date of decision: 30.09.2025

GURJANT SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. R.S.Athwal, Advocate, for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Challenge in the instant revision petition is to the judgment dated 27.10.2017 passed by learned Additional Sessions Judge, Fatehabad, whereby the appeal preferred by the petitioner against the judgment/order dated 04.11.2014 rendered by the Sub Divisional Judicial Magistrate, Tohana, convicting and sentencing him for the offence under Sections 323 and 324 read with Section 120-B IPC has been dismissed.

2. Concisely, the facts of the case are that FIR was registered on the statement of complainant-Gurdeep Singh wherein he stated that on 24.05.2009, he was seeing Jawar and when he took out his leveller (Suhaga), his Bua Balbir Kaur laid in front of the tractor. He stopped his tractor, his father Bhan Singh caught him by his hair and Gurjant Singh caught his leg and pulled him from the tractor. Thereafter, Harjinder Kaur and Satwinder Kaur came at the spot and they started beating him by slaps

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and fist blows. Gurjant Singh who was armed with knife gave a blow of knife on his mouth. He raised an alarm, upon which his mother-in-law Beant Kaur came to the spot and she tried to rescue him from the clutches of the accused. At that time, his mobile phone fell down. The accused persons also gave beating to his mother-in-law with slaps and fist blows. In the incident, ear-ring of his mother-in-law fell down and the accused took away the same. Before leaving the spot, the accused persons had also threatened to kill him. After investigation, challan was prepared and presented in the Court. Upon which, charges were framed against the petitioner and co-accused, to which they pleaded not guilty and claimed trial.

3. As many as 11 witnesses were examined by the prosecution, in order to prove its case. Thereafter, the statements of the accused were recorded under Section 313 Cr.P.C. whereby incriminating evidence was put to them, which they denied and pleaded false implication. In their defence, they examined 3 witnesses and, thereafter, closed the same.

4. After hearing the arguments of the learned counsel for the parties and having gone through the record of the case, learned trial court convicted and sentenced the accused/petitioner as under:

Section	Imprisonment Awarded
323 read with Section 120-B IPC	Sentenced to undergo rigorous imprisonment for a period of six months.
324 read with Section 120-B IPC	Sentenced to undergo rigorous imprisonment for a period of three years.
506 read with Section 120-B IPC	Sentenced to undergo rigorous imprisonment for a period of six months.

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5. Aggrieved accused-petitioner approached learned Addl. Sessions Judge, whereby he has been acquitted under Section 506 IPC, however, his sentence under remaining sections was maintained, vide impugned judgment dated 27.10.2017.

6. Learned counsel, at the outset, submits that the petitioner does not wish to press the present petition on merits and prays for extending the benefit of probation under The Probation of Offenders Act, 1958, as extended to other co-accused by the learned Appellate Court, in view of the mitigating circumstances that, the incident pertains to the year 2009; the petitioner has already undergone 5 months out of the sentence awarded; never misused the concession of bail; first time offender, sole bread-winner and has a family to support.

7. On the other hand, learned State counsel opposes the prayer made, and submits that the Courts below have rightly convicted the accused-petitioner on the evidence produced by the prosecution. Therefore, prays that the present revision petition be dismissed. He is however, unable to controvert the factum of petitioner never having misused the concession of bail.

8. Heard and perused.

9. Complainant-Gurdeep while appearing in the witness-box as PW 11 has fully supported the case of the prosecution version. Further, PW 10 injured-Beant Kaur also corroborated the evidence of the complainant. She specifically stated that the accused had caused injuries to Gurdeep Singh and when she tried to rescue him, they also inflicted

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injuries on her. Their ocular version is supported by the PW 9 Dr. Dalip Singh, who proved on the file MLR of the injured. Thus, the Courts below have properly examined the evidence and rightly convicted the petitioner under Sections 323 and 324 read with Section 120-B IPC.

10. As regards the prayer made on behalf of the petitioner is concerned, it would be apposite to make a reference to Section 4 of the Probation of Offenders Act, 1958 (hereinafter referred as 'PO Act', which reads thus:

“4. Power of Court to release certain offenders on probation of good conduct.-

(1) When any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the Court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period, not exceeding three years, as the Court may direct, and in the meantime to keep the peace and be of good behaviour: Provided that the Court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the Court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.

(2) Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case.

(3) When an order under sub-section (1) is made, the court may, if it is of opinion that in the interests of the offender and of the public it is expedient so to do, in addition pass a supervision order directing that the

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offender shall remain under the supervision of a probation officer named in the order during such period, not being less than one year, as may be specified therein, and may in such supervision order, impose such conditions as it deems necessary for the due supervision of the offender.

(4) The court making a supervision order under subsection (3) shall require the offender, before he is released, to enter into a bond, with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants or any other matter as the court may, having regard to the particular circumstances, consider fit to impose for preventing a repetition of the same offence or a commission of other offences by the offender.

(5) The court making a supervision order under subsection (3) shall explain to the offender the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to each of the offenders, the sureties, if any, and the probation officer concerned.”

11. It would be worthwhile to refer to the judgment of **Ratan Lal vs. State of Punjab** AIR 1965 SC 444, whereby Hon'ble The Supreme Court, regarding the purpose and object of 'The Probation of Offenders Act, 1958' had observed and held that, "The Act is a milestone in the progress of the modern liberal trend of reform in the field of penology. It is the result of the recognition of the doctrine that the object of criminal law is more to reform the individual offender than to punish him. Broadly stated the Act distinguishes offenders below 21 years of age and those above that age, and offenders who are guilty of having committed an offence punishable with death or imprisonment for life and those who are guilty of a lesser offence. While in the case of offenders who are above the age of 21 years, absolute discretion is given to the court to release

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them after admonition or on probation of good conduct, subject to the condition laid down in the appropriate provision of the Act, in the case of offenders below the age of 21 years an injunction is issued to the court not to sentence them to imprisonment unless it is satisfied that having regard to the circumstances of the case, including the nature of the offence and the character of the offenders, it is not desirable to deal with them under Ss. 3 and 4 of the Act.”

12. Hon’ble The Supreme Court in **Sitaram Paswan vs. State of Bihar**, AIR 2005 SC 3534, wherein the appellant was also convicted of an offence under Section 323 and 324 of IPC, released him on probation, while observing that benefit of probation can be extended at the appellate or revisional stage as well, and held 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 Section 4 of 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,

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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, the power can be exercised by the Court even at the appellate or revisional stage and also by this Court while hearing appeal under Article 136 of the Constitution of India.”

13. Hon’ble the Supreme Court in **Som Dutt and others vs. State of Himachal Pradesh**, (2022) 6 SCC 722 has released the appellants on probation by having regard to the fact there are no criminal antecedents against them.

14. Reverting to the facts of the present case as regards the prayer made on behalf of the petitioner is concerned, this Court considering the mitigating circumstances and the judgments referred to above, finds that the ends of justice would be adequately met if the petitioner is granted the benefit of probation of good conduct.

15. However, the plight of the complainant in FIR (supra) and the loss suffered by him cannot be overlooked. Significantly, the complainant and Beant Kaur had suffered injuries. The complainant has, as much of, a right to a free, fair and speedy trial, as does an accused. Keeping the same in mind, the legislature, in its wisdom, has provided for a compensatory mechanism in the form of Section 5 of the PO Act. As such, to balance the rights of the complainant with the benefit of

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probation extended to the petitioner; this Court deems it appropriate to direct him to pay compensation to the complainant.

16. As a consequence to the above, present revision petition is hereby disposed of with a direction to grant probation to the petitioner for a period of 6 months, on the following conditions as enshrined under the provisions of the Probation of Offenders Act, 1958:

(1) He shall execute a bond for good behaviour with two solvent sureties in a sum of Rs.50,000/- which shall be executed before the trial Court within a period of one month from today.

(2) The said bond shall be in force for a period of one year.

(3) He shall be subject to the supervision of the Probation Officer and subject to the conditions laid down in the Probation of Offenders Act.

(4) He shall deposit a sum of Rs.35,000/- with the trial Court within a period of 1 month as compensation under Section 357 Cr.P.C., which shall be disbursed to the complainant.

17. It is clarified that in case there is any breach of the aforesaid conditions, the petitioner will forthwith be taken into custody and shall have to undergo the sentence awarded to him by the trial Court.

30.09.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No