

HRFT010002472023



Presented on : 13-01-2023
Registered on : 13-01-2023
Decided on : 11-08-2026

IN THE COURT OF
SESSIONS JUDGE AT FATEHABAD,
Presided Over by DEEPAK AGGARWAL
(UID No.HR0060)

CIS No.CRA-23-2023
Criminal Appeal No.RBT-55-CRA (IPC) of 2023/2025
Date of Institution: 13-01-2023/24-10-2025

1. Ishwar son of Basau Ram,
 2. Manjeet son of Basau Ram,
 3. Vicky alias Vikas son of Ved Parkash,
 4. Vijay Singh son of Jodh Ram,
- all residents of village Samain, District Fatehabad.

..... Appellants-Accused

Versus

State of Haryana

..... Respondent

Criminal appeal against the judgment of conviction and order of sentence dated 22.12.2022, passed by the Court of Ms.Manmeet Kaur Ghuman, the then Judicial Magistrate 1st Class, Tohana, District Fatehabad in criminal case titled as “State versus Ishwar & Ors.” (CIS No.CHI-341-2015), bearing FIR No.292, dated 29.08.2015 registered under Sections 148, 323, 341 and 506 read with Section 149 of the Indian Penal Code, 1860 (Section 325 of the Indian Penal Code, 1860 added and Section 506 of the Indian Penal Code, 1860 deleted later on), with Police Station, Sadar, Tohana.

With a prayer to accept the appeal; while setting aside the impugned judgment of conviction and order of sentence dated 22.12.2022 and to acquit the appellants-accused.

Present: Appellants-accused on bail represented by Sh.Rakesh Kumar Garg, Advocate.
Sh.Arun Kumar, Public Prosecutor for respondent-State assisted by Sh.Nishant Jain, Advocate for the complainant.
Complainant-Sandeep in person.

JUDGMENT:

Appellants-accused have preferred the present appeal against the judgment of conviction and order of sentence dated 22.12.2022 passed by the Court of Ms.Manmeet Kaur Ghuman, the then Judicial Magistrate 1st Class, Tohana, District Fatehabad in criminal case titled as “State versus Ishwar & Ors.” (CIS No.CHI-341-2015), bearing FIR No.292, dated 29.08.2015 registered under Sections 148, 323, 341 and 506 read with Section 149 of the Indian Penal Code, 1860 (Section 325 of the Indian Penal Code, 1860 added and Section 506 of the Indian Penal Code, 1860 deleted later on), with Police Station, Sadar, Tohana, whereby the appellants-accused were convicted under Sections 148, 323, 341, 325 and 506 read with Section 149 of the Indian Penal Code, 1860 and sentenced to undergo **simple imprisonment for a period of three months and to pay a fine of ₹1,000/- each** for the offence punishable under Section 148 of the Indian Penal Code, 1860, in default of payment of fine, the convicts were to further undergo simple imprisonment for a period of one month, simple imprisonment for a period of three months and to pay a fine of ₹1,000/- each for the offence punishable under Section 323 read with Section 149 of the Indian Penal Code, 1860, in default of payment of fine, the convicts were to further undergo simple imprisonment for a period of one month, to pay a fine of ₹500/- each for the offence punishable under Section 341

read with Section 149 of the Indian Penal Code, 1860, in default of payment of fine, the convicts were to further undergo simple imprisonment for a period of one month, simple imprisonment for a period of one year and to pay a fine of ₹2,000/- each for the offence punishable under Section 325 read with Section 149 of the Indian Penal Code, 1860, in default of payment of fine, the convicts were to further undergo simple imprisonment for a period of two months and to pay a fine of ₹3,000/- each for the offence punishable under Section 506 read with Section 149 of the Indian Penal Code, 1860, in default of payment of fine, the convicts were to further undergo simple imprisonment for a period of three months. Fine was paid by the convicts.

2. The appellants/accused, by filing the present appeal, have challenged the judgment of conviction and order of sentence dated 22.12.2022 on the ground that the learned trial Court has not appreciated the evidence in right perspective. At the same time, the appellants have also made separate statements that they do not challenge the judgment of conviction passed by the learned trial Court and prayed for taking lenient view in the matter of sentence. Complainant namely Sandeep vide his statement recorded separately has stated that the matter has been settled amicably between the parties and the accused are his neighbourers as their fields adjoin to each other. So, keeping in view the statements made by the appellants, the judgment of conviction dated 22.12.2022 passed by the learned trial Court is affirmed.

3. I have heard learned counsel for the appellants and learned Public Prosecutor for the State, on the question of sentence.

4. Learned counsel for the appellants has stated that they have already faced protracted trial since 2015. They are poor persons. They are sole bread earners in their respective families. The matter has also been amicably settled with the complainant. Learned counsel for the appellants has relied upon **Rajbir versus State of Haryana and others 2011(2) RCR (Criminal) 379** wherein Hon'ble High Court of Punjab and Haryana has held that *“sending first time offender in company of hardcore criminals is not justified from any angle and opportunity should be granted to every first time offender to reform while releasing him on probation”*. Reference can also be made to **Jagmal Singh versus State of Haryana 2006 (2) RCR (Criminal) 335 (P&H)**, **State of Punjab versus Kuldeep Singh and others 2007 (2) RCR (Criminal) 670 (P&H)** and **Hoi Ram and others versus State of Haryana 2012 (1) RCR (Criminal) 217 (P&H)**. So, keeping in view the above observation, I feel that it is a fit case for giving the concession of probation. Hence, the appellants-accused are allowed to be released on probation on furnishing bonds in the sum of ₹50,000/- with one surety each in the like amount, for the period of one year under Section 360 Cr.P.C./401 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) to the satisfaction of learned trial Court. The appellants are directed to maintain peace and good behaviour during the period of probation, failing which they can be called upon for carrying out the

sentence so awarded by the learned trial Court. The fine already deposited by the appellants-accused will be deemed as litigation expenses. In view of Section 12 of The Probation of Offenders Act, 1958, the probation shall not affect service career of any of the appellants who joins job in future. Reference can also be made to **Aitha Chander Rao versus State of Andhra Pradesh 1982 CAR 5 (SC)**, **Tejwinder Singh versus State of Punjab 2009(5) RCR (Criminal) 527 (P&H)** and **Paramjit Singh versus State of Haryana 2011(2) RCR (Criminal) 855 (P&H)**. Appellants are directed to furnish probation bonds before learned trial Court within 15 days, failing which, the order of sentence passed by learned trial Court shall remain intact and the appeal shall be deemed to have been dismissed in toto. Except with the modification in the order of sentence, present appeal fails and is hereby dismissed. Bail and surety bonds of appellants-accused stand discharged. A copy of this judgment be sent to learned trial Court for necessary compliance. Appeal file be consigned to record room after due compliance.

Pronounced in open Court:

(Deepak Aggarwal)
Sessions Judge, Fatehabad
(UID No.HR0060)
Dated: 11.08.2026

Note: All the 5 pages of this judgment have been checked and signed by me.

(Ajay, SG)

(Deepak Aggarwal)
Sessions Judge, Fatehabad
(UID No.HR0060)
Dated: 11.08.2026.