



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

2026:PHHC:045908



CRR-3716-2015 (O&M)

Reserved on: 16.02.2026.

Date of decision: 24.03.2026.

Uploaded on: 24.03.2026.

Whether only operative part of the judgment is pronounced or the full judgment is pronounced.	Operative part/full judgment
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HARCHAND SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Saksham, Advocate,
for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG, Punjab.
for the respondent.



1. The instant revision petition has been filed challenging the judgment dated 05.02.2015 passed by the learned Additional Sessions Judge, Ludhiana, whereby respondent Nos. 2 to 6 were ordered to be released on probation for a period of six months, by modifying the judgment of conviction and order of sentence dated 20.12.2011 passed by the learned Judicial Magistrate First Class, Ludhiana in case bearing FIR No. 366 dated 20.10.1997 under sections 323, 452, 506, 342, 365, 148, 149 of the Indian Penal Code, 1860 registered at Police Station Sadar, Ludhiana.

2. The facts of the present case, in brief, are that on 19.10.1997, a medical ruqa was received from Police Post Laddowal regarding the recording of the statement of an injured person, namely Harnam Singh. Pursuant thereto, ASI Harjinder Singh reached the Civil Hospital and moved an application seeking the opinion of the attending doctor regarding the fitness of the injured to make a statement. The doctor opined that the injured was unfit to make a statement at that time. Thereafter, on 20.10.1997, ASI Mohinder Singh, along with other police officials, visited the Civil Hospital and again sought the opinion of the doctor regarding the fitness of the injured. On this occasion, the doctor declared Harnam Singh fit to make a statement. Accordingly, his statement was recorded. In his statement, Harnam Singh stated that on 18.10.1997, at about 11:00 PM, he was sleeping in a room along with his wife. The wife and children of Harchand Singh were sleeping in another room, while Harchand Singh himself had gone to the grain market to sell paddy. At that time, his nephew Darshan Singh knocked at the door, which was opened by his wife. Upon entering, Darshan Singh caught hold of his wife by her hair and assaulted her. He was accompanied by Gulzar Singh and Avtar Singh,



who were armed with motorcycle chains, while Kuldeep Singh, a friend of Gulzar Singh, and Hans Raj were empty-handed. It is further alleged that all the accused forcibly entered the house and upon a lalkara raised by Darshan Singh, Gulzar Singh and Avtar Singh inflicted injuries upon the complainant's wife with motorcycle chains. As a result of the assault, she fell to the ground. Thereafter, Darshan Singh and Kuldeep Singh gave kicks and blows on her abdomen and back. Darshan Singh also inflicted an injury with a dattar on the upper side of her head, while Gulzar Singh caused injuries on her eyes, nose, and other parts of her body. Avtar Singh also inflicted an injury on the complainant's abdomen with a motorcycle chain. It is further stated that upon raising an alarm, Amarjit Kaur, wife of Harchand Singh, awoke and also raised an alarm. Thereafter, the accused placed the complainant in a tractor-trolley driven by Darshan Singh. However, due to a mechanical fault in the tractor, the vehicle stopped on the way and upon noticing the headlights of another vehicle approaching, the accused fled from the spot along with their weapons. The motive attributed to the accused is that Darshan Singh intended to obtain the thumb impressions of the complainant on a will pertaining to land measuring five acres in his favour. Hence, FIR No. 336 dated 20.10.1997 under sections 323, 452, 506, 342, 365, 148, 149 of the Indian Penal Code, 1860 was registered at Police Station Sadar, Ludhiana. Investigation was carried out and upon completion thereof, the final report challan was presented against the accused.

3. Upon presentation of the challan before the Ilaqa Magistrate, copies of all documents relied upon by the prosecution were supplied to the accused u/s 207 Cr.P.C., free of costs. Thereafter, upon hearing the learned



counsel for the parties and on perusal of the material available on record, the Ilaqa Magistrate found a prima facie case to be made out and accordingly framed charges against the accused under Sections 323, 452, 506, 365 and 149 of the Indian Penal Code, 1860 to which the accused pleaded not guilty and claimed trial.

4. In order to substantiate its case, the prosecution examined PW-1 Harchand Singh, PW-2 Harnam Singh, PW-3 HC Parghat Singh (wrongly renumbered as PW-2), PW-4 HC Bhag Singh, PW-5 Amarjit Kaur and PW-6 Dr. U.S. Sooch. Thereafter, the remaining evidence of the prosecution was closed by order of the Court.

5. Upon closure of the prosecution evidence, the accused-respondents were examined under Section 313 of the Code of Criminal Procedure, wherein all incriminating circumstances were put to them, which they denied in toto and pleaded false implication. However, they did not lead any evidence in defence.

6. Upon consideration of the evidence led by parties as well as the arguments advanced before it, the Trial Court vide its judgment dated 20.12.2011 convicted and sentenced the private respondents as under:-

Name of Convicts	Under Sections	Rigorous Imprisonment	Fine
Gulzar Singh	452 IPC 365 IPC and 323 IPC	Two years Two Years Six Months	Rs.300/- Rs.500/- Rs.200/-
Avtar Singh	452 IPC 365 IPC and 323 IPC	Two years Two Years Six Months	Rs.300/- Rs.500/- Rs.200/-
Hans Raj	452 IPC 365 IPC and 323 IPC	Two years Two Years Six Months	Rs.300/- Rs.500/- Rs.200/-



Darshan Singh	452 IPC 365 IPC and 323 IPC	Two years Two Years Six Months	Rs.300/- Rs.500/- Rs.200/-
Kuldip Singh	452 IPC 365 IPC and 323 IPC	Two years Two Years Six Months	Rs.300/- Rs.500/- Rs.200/-

All the sentences were to run concurrently. However, in default of payment of fine, they were to undergo Simple imprisonment for one month.

7. Aggrieved by the said judgment of conviction, the private respondents herein preferred a criminal appeal bearing No. 68 dated 12.01.2012 before Additional Sessions Judge, Ludhiana. The appellate court, upon reappraisal of the material on record, dismissed the appeal vide judgment dated 05.02.2015, holding that no illegality or infirmity could be found in the judgment rendered by the learned Trial Court. However, the private respondents herein were ordered to be released on probation for a period of six months. Aggrieved by the grant of probation to the private respondents, the complainant-petitioner has instituted the present petition.

8. Learned counsel appearing on behalf of the petitioner contends that the said judgment is erroneous in law, suffers from misappreciation of facts and has resulted in miscarriage of justice, thereby causing serious prejudice to the petitioner and prays that the impugned judgment be set aside and the sentence imposed by the Trial Court be restored.

9. Learned counsel submits that FIR No. 366 dated 20.10.1997 was registered under Sections 323, 452, 506, 342, 365, 148 and 149 IPC at Police Station Sadar, Ludhiana, at the instance of Harnam Singh (since deceased), who was the real uncle of the present petitioner. It is submitted that Harnam Singh and his wife Lajjo, being aged and issueless, were residing with the



petitioner, who was taking care of them. Harnam Singh owned approximately five killas of land and intended to transfer the same in favour of the petitioner. Owing to this, respondent No. 5 developed animosity and, along with his associates, forcibly entered the house of the petitioner in his absence and assaulted the elderly couple. It is further submitted that upon completion of trial, the learned Trial Court, after appreciating the ocular as well as documentary evidence, convicted the respondents and sentenced them to undergo rigorous imprisonment for a period of two years vide judgment dated 20.12.2011. Aggrieved thereof, the respondents preferred an appeal. During the pendency of the appeal, the parties entered into a compromise with the intervention of respectable persons of the society, pursuant to which the respondents sought leniency from the Appellate Court.

10. Learned counsel contends that the learned Appellate Court, taking note of the compromise and statements of the parties, extended the benefit of probation to the respondents, subject to their good behaviour and accordingly modified the sentence. It is submitted that the very foundation of the said order was the compromise arrived at between the parties, which included specific terms and obligations, particularly requiring respondent No. 5 to transfer a portion of land in favour of his brother, Buta Singh.

11. It is vehemently contended that the respondents have willfully failed to comply with the terms of the compromise, despite repeated requests made by the petitioner. Even the intervention of the Panchayat proved futile, as respondent No. 5 neither appeared nor offered any explanation for such non-compliance. It is submitted that such conduct demonstrates that the respondents had no bona fide intention to honour the compromise and had



merely used the same as a device to secure leniency from the Court.

12. Learned counsel submits that the concession of probation is premised upon the good conduct of the accused and the existence of mitigating circumstances. In the present case, by failing to adhere to the terms of the compromise, the respondents have not only violated the conditions implicit in the grant of probation but have also abused the process of law. It is argued that once the very basis, on which the benefit of probation was granted, ceases to exist, the respondents cannot be permitted to retain such benefit. It is further contended that the grant of probation does not obliterate the conviction, but merely suspends the execution of the sentence. The conviction of the respondents continues to subsist and once the special circumstances justifying the grant of probation stand frustrated, the respondents are liable to undergo the sentence imposed by the Trial Court.

13. Learned counsel also submits that the conduct of the respondents, viewed in its entirety, reveals a dishonest and mala fide intention from the very inception. The respondents, apprehending affirmation of conviction, entered into a compromise to secure relief but thereafter deliberately did not fulfill their obligations. Counsel submits that such conduct disentitles them from any equitable relief and prays that the impugned judgment granting probation be set aside and the respondents be directed to undergo the sentence awarded by the learned Trial Court.

14. Notice was issued to respondents No.2 to 6, i.e., private respondents herein. A perusal of the order dated 23-01-2017 shows that the private respondents were served, but none other than respondent No.5 entered appearance. The matter pertains to the year 2015, and already a period of



nearly 10 years has elapsed. Even the counsel for respondent No.5 stopped appearing. This Court thus appoints Ms. Samridhi Sareen, Advocate, (P-3844-2017; Mobile No.7830851334) who is present in Court, as the legal aid counsel on behalf of respondents No.2 to 6. She went through the State file and has addressed the arguments.

15. Learned legal aid counsel and the counsel appearing on behalf of the State submit that the impugned judgment passed by the Appellate Court is well-reasoned and has been rendered after due consideration of the entire material available on record. It is contended that the Appellate Court has duly appreciated the evidence, the nature of allegations, the circumstances of the case and also noticed the compromise arrived at between the parties and thereafter exercised its discretion judiciously while extending the benefit of probation to the respondents. It is submitted that settlement was one amongst multiple factors that were taken into consideration by the Appellate Court, and the same was not the only reason. It is submitted that even otherwise, the respondents are eligible for claiming probation, as per law, even in the absence of the compromise. Learned legal aid counsel further submits that even otherwise, more than 11 years since the release on probation, have passed. The respondents have cleared their probation. Upsetting the order at this belated stage would be inequitable and unjust to respondents No.2 to 6. It is further submitted that no illegality, perversity or material irregularity can be attributed to the impugned judgment so as to warrant interference by this Court in exercise of its revisional jurisdiction.

16. I have heard learned counsel appearing on behalf of the parties and have also gone through the documents appended along with the present



petition as well as considered the arguments advanced.

17. Before proceeding further into the matter, it is apposite to make a reference to the finding recorded by the first Appellate Court. The relevant part thereof reads thus: -

“9. I have heard the Ld. Counsel for the appellants Sh. P.S.Saran Advocate, and Ld. Addl. PP for the respondent/State, with their able assistance, I have carefully gone through the judgment of the learned trial court. At the very outset of commencement of the arguments, the accused/appellants have moved an application that they do not contest the verdict of conviction accorded by the learned trial court vide impugned judgment, as they had sorted out the differences with Harchand Singh. They have requested for taking a lenient view with regard to the sentence so imposed and has requested for releasing him on probation. They have also made a statement in this regard. Statement of complainant Harchand Singh has also been recorded qua effecting of compromise. It has categorically come in his statement that two of the appellants are his real brothers namely Gulzar Singh and Avtar Singh and other appellants are his real relatives and belonging to the same village. He has also proved on record the compromise Ex.PX.

10. In the light of the assistance rendered, coupled with the factum that the appellants have not challenged the judgment of conviction having been passed by the learned trial court, rather it is only with regard to sentence part that the learned counsel for the appellants have laid emphasis for taking lenient view for releasing the convicts on probation.

11. I have heard the learned counsel for the appellants and have carefully gone through the record of the learned lower court. As the appellants have brought to the notice of the court



by filing of application and have also made their joint statement in the court on oath that they do not want to contest the appeal on merits, thus, the appeal preferred against the judgment of conviction is hereby dismissed, as the appellants through their counsel have rendered the assistance that they do not dispute the verdict of conviction, so accorded by the learned trial court.

12. *Now coming to the aspect with regard to the sentence part, the court is of the considered opinion that as the convicts have been facing the trial since 1998 and as per the ratio decidendi laid down in 2011(2) Law Herald(P&H) 1648 in case titled as Amrik Singh Vs. State of Punjab, wherein it has been laid down by our own High Court that sending the first time offender to Jail in the company of hard core criminals, unjustified-First time offender must be given a chance to reform and he be released on probation. Similarly has been laid down in Case titled as Jagir Singh vs. The State of Punjab, 2010 (1) RCR(Crl.) Page 525 (P&H), wherein it has been held that in a case of conviction under Section 326, 324 and 323 of IPC by the Trial Court, the Hon'ble High Court altered conviction from Section 326 to one under Section 324 as injury on the person of victim was simple in nature. However, the accused persons released on probation on the ground that they were facing protracted trial for more than 17 years and were not habitual offenders.*

13. *It has been further made clear by our own Hon'ble High Court that in a theft case under Section 379 of IPC, titled as Surjit Singh and Anr. Vs. State of Punjab, 2010(6) RCR(Crl.) Page 829 that the petitioners are facing the protracted criminal proceedings since 1999 and there was no criminal antecedents of accused, the petitioners were directed to be released on probation of good conduct on payment of costs of the proceedings to the tune of Rs. 5000/-.*

14. *Our own Hon'ble Punjab and Haryana High Court in*



Hazara Ram and another Vs. Jagir Singh and another 2009(5) RCR(Crl.) Page 440, has further made crystal that the accused having no past criminal history and have been facing the criminal proceedings for the last 17 years. The conviction of accused was upheld, but order of the sentence set-aside. Accused was released on probation for a period of two years each.

15. *It has been also laid down by the Hon'ble High Court in case titled as Beant Singh Vs, State of Punjab 2012(1) RCR(Crl.) Page 594 that the accused was below the age of 18 years when the offence was committed. Accused was released on probation keeping his age in view in mind and the fact that he is first offender. He is married and having a minor daughter and is looking after his old parents.*

16. *Thus, taking into the note the totality of the facts and further that the purpose of imposition of sentence is to serve a dual purpose i.e. retributive -cum re-formative as the appellants are the first offenders and have been facing the trial since 1998. Hence, as per the ratio decidendi laid down in the case law referred above, the court is of the considered opinion that the appellants deserve to be released on probation on their furnishing probation bonds in the sum of Rs. 10,000/- with one surety in the like sum by each of them and to be of good behaviour for a period of six months and not to commit any offence of the like nature. The amount of the fine so imposed is hereby converted into the costs of litigation. Trial Court file be sent back along with copy of this judgment and appeal file be consigned to the Record Room.*

18. A perusal of the judgment rendered by the Appellate Court reflects that the grant of probation certainly considered compromise as one of the prime factors, but there were other independent and well-reasoned



consideration of relevant legal principles and attendant circumstances by referring to precedents wherein probation was granted. The said precedents were not of probation based on compromise, but other governing factors for probation, which such factors also exist in the present case. The precedents relied upon and referred to by the Court are the ones that are deemed applicable on the facts of the case. Hence, the legal fiction that flows therefrom is that all the attendant circumstances referred to therein, are reasonably applicable to the case in hand, and hence the same benefit is extended. The petitioner has also not raised any argument disputing the same and has rendered his arguments only on non-adherence to the compromise.

19. It is also noticed that the Appellate Court has relied upon a catena of judgments of this Court, wherein it has been consistently held that first-time offenders, who have undergone the rigours of a prolonged trial and do not possess any criminal antecedents, ought to be afforded an opportunity of reformation rather than being subjected to incarceration. The emphasis placed by the Appellate Court is clearly on the reformatory aspect of sentencing, taking into account that the respondents had been facing trial since the year 1998, i.e., for nearly 17 years.

20. In view of the above, I am of the opinion that the compromise, at best, constituted one of the surrounding circumstances, but was not the sole determinative factor for extending the benefit of probation.

21. Equally untenable is the argument that failure to comply with the terms of the compromise would ipso facto entail cancellation of probation. The order of grant of probation was governed by statutory provisions and judicial discretion and was not contingent upon the enforcement of private



arrangements between parties. Once the Appellate Court, in exercise of its jurisdiction, has extended the benefit of probation on legally sustainable grounds, the same would not be withdrawn merely on account of an alleged breach of the compromise.

22. Moreover, a period of 11 years, since the release on probation has already elapsed. The private respondents have not violated the probation. It would not be in the fitness of things or equity, at this stage, to interfere in the order of probation.

23. In view of the aforesaid, the challenge raised by the petitioner, premised on an erroneous understanding of the basis of the impugned judgment, is devoid of merit.

24. It is a settled principle of law that in the absence of any demonstrable perversity, illegality or manifest error in the conclusions arrived at by the Courts below, the findings so recorded do not call for interference. It is also settled that where two views are reasonably possible on the basis of the evidence on record, the view which has commended itself to the Trial Court and has been affirmed by the Appellate Court ought not to be disturbed merely on the ground that another view may also be conceivable. It is further well established that the scope of revisional jurisdiction is inherently limited. While exercising such jurisdiction, the High Court does not sit as a court of appeal to re-appreciate the entire evidence or to substitute its own conclusions for those arrived at by the Courts below. Interference is warranted only where there exists a patent illegality, gross perversity, material irregularity or a manifest miscarriage of justice.

25. In the present case, no such infirmity, be it illegality, perversity,



impropriety, or mis-appreciation of evidence has been pointed out or is otherwise discernible from the record in the judgments rendered by the Courts. The findings are based on a proper and judicious appreciation of the evidence and do not suffer from any error warranting interference in revisional jurisdiction.

26. Consequently, finding no merit in the present revision petition, the same stands dismissed.

27. A copy of this order be also sent to the High Court Legal Services Committee, for further necessary action.

March 24, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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