



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of Decision: 13.08.2025

+ **CRL.A.1270/2019**

STATEAppellant
Through: Ms. Shubhi Gupta, APP for State

versus

HANS RAJ SAINIRespondent
Through: Mr. Rakesh Chahar and Mr. Naveen
Chauhan, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of the present appeal filed under Section 377 Cr.P.C, the State, being aggrieved by the inadequacy of sentence imposed on the respondent by the Trial Court, seeks enhancement of the same.

2. Pertinently, the respondent faced trial in FIR No. 374/2014, registered at P.S. Swaroop Nagar under Sections 308/427/34 IPC and was convicted on 10.07.2019, for the offence punishable under Sections 308/34 and 427 IPC.

Vide the order on sentence dated 19.07.2019, the Trial Court, while taking into account the time spent in custody and other mitigating factors, granted the benefit of Section 4 of the Probation of Offenders Act, 1958, and directed that the respondent be released on probation for a period of two years, to receive the sentence if called upon during the said period and, in the meanwhile, to maintain peace and good behaviour. The release was made subject to his furnishing a personal bond of Rs.10,000/- with one



surety of like amount, and to the further condition under Section 5 of the Act that he shall pay compensation of Rs.10,000/- to the victim.

3. Learned APP for the State contends that the testimony of the victim/complainant (PW-9), duly establishes the identity of the respondent and his role in the commission of the offence. The respondent has been convicted under Section 308 IPC. The complainant had received injury on his head and the same is corroborated by the MLC (Ex. PW-3/A), which reflects a lacerated wound on the scalp and a fracture of the frontal bone, opined to be grievous in nature. She thus submits that the Trial Court erred in extending the benefit of probation despite the seriousness of the offence.

4. Learned counsel for the respondent, on the other hand, states that the respondent has not assailed the conviction and submits that the incident arose out of a personal dispute between brothers. He further states, on instructions from the respondent, that the respondent volunteers to enhance the compensation payable to the victim/complainant from Rs.10,000/- to Rs.30,000/-.

5. Briefly noted, the facts as borne out from the record are that on 09.08.2014, at about 9:00 PM, following a quarrel over demand of money, the respondent intercepted the complainant/PW-9 near village *Kushak*, pelted stones at his car, and thereafter struck him on the head with a brick. The complainant sustained multiple injuries, including a fracture of the frontal bone of the head, which were opined to be grievous in nature. On these allegations, the respondent was convicted under Sections 308/34 and 427 IPC.

6. A perusal of the impugned order on sentence shows that the Trial Court considered the absence of prior criminal antecedents, the respondent's



custody of about 24 days during investigation, and the fact that he had undergone the agony of trial for nearly five years at the time of passing of the order on sentence. Notably, the incident pertains to the year 2014 and more than eleven years have since elapsed.

7. The Court is not inclined to accept the contention advanced by the learned APP for the State that the grant of probation in cases involving serious offences, such as the present one, fails to serve the ends of justice. The Probation of Offenders Act, 1958 was enacted with the objective of enabling offenders to reform, and the significance of probation in promoting reformation cannot be overlooked.

In Lakhanlal @ Lakhan Singh v. State of M.P., reported as (2021) 6 SCC 100, the Supreme Court referred to Section 360 Cr.P.C., and held that the benefit of probation would be in addition to the provisions of the Probation of Offenders Act, 1958 and thus, the same could be extended without following the process as set out under the said Act.

Before sentencing, the Trial Court is required to consider all relevant circumstances, including the age of the offender, the nature of the offence, past antecedents, and other surrounding factors. In the present case, the Trial Court duly examined these aspects and granted probation to the respondent.

8. Learned APP for the State, on instructions, states that after the passing of the order on sentence, none of the conditions of probation were violated, and the respondent has already deposited Rs.10,000/- as compensation, as directed by the Trial Court. She has also handed over a status report regarding the antecedents of the respondent, which is taken on record. The report reflects that the respondent is not involved in any other criminal case.

9. This Court is of the considered view that, in the facts and



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circumstances of the present case, the ends of justice would be met if the compensation directed to be paid by the respondent to the victim/complainant by the Trial Court is enhanced by a further sum of Rs.20,000/-. It has been stated that the respondent has already deposited Rs.10,000/- in compliance with the order on sentence. The respondent shall deposit the additional compensation of Rs.20,000/- with the Trial Court within two weeks from today, and the compensation so deposited along with the earlier sum, if not already withdrawn, shall be disbursed to the complainant by the Trial Court.

10. The present appeal is disposed of in the aforesaid terms, along with pending applications, if any.

11. A copy of this decision be sent to the Trial Court.

MANOJ KUMAR OHRI
(JUDGE)

AUGUST 13, 2025

nb

(corrected & released on 18.08.2025)