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CRR-1841-2015
Date of decision: 03.12.2024

...PETITIONER

...RESPONDENTS

Mr. Vikas Bhardwaj, AAG Haryana.

1. The present revision petition is preferred by the petitioner against the judgment dated 12.05.2015 passed by the learned Sessions Judge, Sonipat upholding the judgment dated 07.06.2014 and order on quantum of sentence dated 11.06.2014 passed by learned Judicial Magistrate 1st Class, Sonipat vide which the petitioner has been convicted and sentenced as under:

Offence	Sentence
Under Section 354 of the Indian Penal Code, 1860	To undergo simple imprisonment for a period of one year and to pay a fine of Rs. 2,000/- (two thousand).
Under Section 506 of the Indian Penal Code, 1860	To undergo simple imprisonment for a period of one year and to pay a fine of Rs. 1,000/- (one thousand).
Under Section 294 of the Indian Penal Code, 1860	To undergo simple imprisonment for a period of three (3) months and to pay a fine of rupees five hundred (Rs. 500/-).
It was ordered that all sentences shall run concurrently.	

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2. The brief facts of the prosecution story, are as under:-

"The complainant is serving as Judo Coach in Sports Authority of India for last many years. The complainant was transferred to Chaudhary Devi Lal Sports Complex, Northern Region, SAI, Bahalgarh, District Sonapat for the last week of May 2006. The accused was also posted as Hockey coach in the said complex in the year 2005. The accused started causing unnecessary harassment to the complainant with an intention to establish sexual relations with the complainant to which complainant never agreed. He started using obscene language while talking to the complainant. He proposed the complainant for massaging him in his room on which complainant never agreed. On 27.8.2006 at about 5.30 PM at the time of evening activity the complainant visited the monitoring cell of her office after informing her colleague namely Sh. D.C. Sharma Judo Coach to find whether her name has been sent to Head office for abroad studies or not. At that time accused Hardeep Singh was already sitting with Mr. D.S. Joon in the said monitoring cell. The accused there saw the complainant and commented as follows "Acha tum Hungry jana chhati ho, to tum meri kamre me aa kar malish kar do to mai tumhara nam Hungry ke liye bhijwa dunga". After passing such a comment, accused look at the complainant in a sexual manner in presence of Mr. D.S. Joon. The complainant remained shocked and astonished at the behaviour of the accused. Thereafter she came out of the monitoring cell. The complainant had requested the accused several times not to repeat such a behaviour as she is a married lady having one daughter and one son but accused Hardeep Singh was adamant and continued to sexually harass the complainant. As a result complainant starting leading her life under nervous, shock and tension."

3. On assessing all the material available on record, the petitioner was convicted and sentenced vide judgment and order dated 07/11.06.2014 passed by learned Judicial Magistrate Ist Class, Sonipat. Aggrieved by the same, the petitioner preferred an appeal, which was dismissed by learned lower Appellate

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Court vide judgment dated 12.05.2015. Aggrieved by the same, the convict has preferred the present revision before this Court.

4. Learned counsel for the petitioner contends that both the Courts below have not extended the benefit of provisions contained in Sections 4 and 11 of the Probation of Offenders Act, 1958 to the petitioner. The petitioner has suffered the agony of trial since last 16 years as the complaint in the present case was filed in the year 2008. The petitioner is having clean antecedents and he is not involved in any other case and petitioner wants to lead a life as reformed citizen and contribute towards the society. Therefore, learned counsel for the petitioner submits that he is not assailing the impugned judgment of conviction dated 12.05.2015 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the release of the petitioner on probation of good conduct and urged the Court to take a lenient view of the matter as the petitioner has reformed and intend to live his life as law-abiding citizen.

5. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and the same has been upheld by learned Lower Appellate Court. As as such, he does not deserve any leniency. However, he could not controvert the fact that the petitioner is not involved in any other case.

6. I have heard learned counsel for the parties and perused the paper book with their able assistance.

7. Sections 3 and 4 of the Probation of Offenders Act empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. Similarly, Sections 360 and 361 of the Cr.P.C (401 and 402 of

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BNSS) also empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. A two Judge Bench of the Hon'ble Supreme Court in **Som Dutt and others Vs. State of Himachal Pradesh (2022) 6 SCC 722** speaking through Justice Bela M. Trivedi, has held as under:-

“6....having regard to the fact there are no criminal antecedents against the appellants, the court is inclined to give them the benefit of releasing them on probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the appellants, it is directed that the appellants shall be released on probation of good conduct.....”

A two Judge Bench of the Hon'ble Supreme Court in **Lakhvir Singh Vs. State of Punjab (2021) 2 SCC 763** speaking through Justice Sanjay Kishan Kaul, has held as under:-

“6. We may notice that the Statement of Objects and Reasons of the said Act explains the rationale for the enactment and its amendments: to give the benefit of release of offenders on probation of good conduct instead of sentencing them to imprisonment. Thus, increasing emphasis on the reformation and rehabilitation of offenders as useful and self-reliant members of society without subjecting them to the deleterious effects of jail life is what is sought to be subserved.”

8. In view of the aforesaid facts and circumstances, the judgment passed by the learned Sessions Judge, Sonipat awarding a substantive sentence of one year under Sections 354, 506 & 294 of Indian Penal Code is upheld, however, having regard to the fact that the petitioner has no criminal antecedents, this court is inclined to give him the benefit of probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on



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the petitioner, he is ordered to be released on probation of good conduct on furnishing a personal bond of Rs. 10,000/- with a surety of the like amount, and on further furnishing an undertaking to keep the peace and good behaviour for a period of one year, to the satisfaction of the concerned trial court within a period of two weeks. The petitioner shall remain under the supervision of the concerned Probation Officer(s) during the aforesaid period. It is further directed that if the petitioner fails to comply with the said directions or commit breach of the undertaking given by him, he shall be called upon to undergo the sentence imposed upon him by the learned trial Court.

9. With the aforesaid directions, the instant revision petition stands disposed of.

03.12.2024
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(HARPREET SINGH BRAR)
JUDGE

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