

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

CRR No. 4045 of 2012

Date of decision: 05.01.2015

Om Parkash

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.K. Sharma, Advocate for the petitioner.

Mr. Ajay Gulati, DAG, Haryana
for the State.

Jitendra Chauhan, J. (Oral)

By filing the present criminal revision, the petitioners has assailed the judgment and order dated 13.09.2012, passed by the Addl. Sessions Judge, Palwal, vide which the respondents Nos.2 to 7 herein, were released on probation by upholding the conviction of accused/appellants (respondents No.2 to 7 herein).

Heard.

The learned trial Court has given good and sufficient reasons for releasing the respondents Nos. 2 to 7 on probation upon furnishing probation bonds in the sum of Rs.20,000/- each. It has

been specifically recorded that the learned Public Prosecutor or the learned counsel for the complainant has not been able to establish that the present accused were convicted in this case. Had there been a conviction of the accused (respondents Nos. 2 to 7), learned counsel for the complainant could have certainly produced the judgment of conviction. The gimmick played by producing only FIR carries no weight and probation cannot be refused on the ground that once upon a time in the year 1997 a case was registered against some of the accused in the present case. The appellant/accused (respondents No.2 to 7 herein) have suffered agony of trial of more than 13 years. Even the probation period has already expired on 12.09.2013.

Keeping in view the fact that the respondents No.2 to 7 have not misused the concession granted by the learned trial Court, no case for interference in the well reasoned judgment is made out.

Dismissed.

05.01.2015

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(JITENDRA CHAUHAN)
JUDGE