

CRR-1496-2015

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

CRR-1496-2015 (O & M)
Date of Decision: 27.07.2015

Harmander Singh and others

... Petitioner (s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Kamaljeet Singh Sidhu, Advocate,
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Paramjeet Singh, J. (Oral)

Present criminal revision has been preferred by the petitioners against judgment of conviction and order of sentence dated 21.04.2015 passed by the Additional Sessions Judge, Bathinda whereby appeal preferred by the petitioners has been partly accepted and sentence awarded to the petitioners by the Sub Divisional Judicial Magistrate, Talwandi Sabo, vide impugned order dated 15.06.2013, has been reduced to six months' rigorous imprisonment.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgment of the learned

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Courts below and in view of the ultimate prayer of the petitioners seeking reduction in sentence.

I have heard the learned counsel for the parties and perused the record.

Learned counsel for the petitioners states that he is not pressing this revision on merit and is not challenging the conviction on merit. He is only aggrieved against the sentence part. However, he prays that the sentence of the petitioners be suitably reduced as this criminal trial is hanging on their heads like damocle's sword for more than four years and it should be a sufficient mitigating circumstance to treat them leniently. Learned counsel for the petitioners has further submitted that the FIR pertains to the year 2011 and since then a period of more than four years has elapsed. The petitioners have suffered the ordeal for long period. Learned counsel for the petitioners further submits that the petitioners are first offenders. The petitioners have suffered the ordeal for long period. Learned counsel for the petitioners further submits that the petitioners have undergone the imprisonment for more three months.

Learned counsel for the State vehemently opposes the reduction in sentence.

I have considered the contentions raised by learned counsel for the parties.

Ancient penological approach was custodial measure to curb crime. But in modern days, penological approach should be balanced keeping in view the needs of the community and interests of the accused: such as compensation to the victims, release on admonition, probation

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etc. These are being adopted to reform the criminal convicts. The object of criminal justice system is to reform the offenders and to make them see and follow the right path. Otherwise also jails are often overcrowded.

In view of the arguments advanced by learned counsel for the petitioners, which have been noted above, this Court is of the view that no useful purpose would be served by keeping the petitioners in the company of hardcore criminals. Instead of keeping the accused/petitioners in the company of hardcore criminals, releasing them on probation, seems to be best option to avoid tension and to maintain harmony between the parties. Accordingly, affirming the order of conviction and sentence of the petitioners, I direct that the accused/petitioners be released on probation for one year each on furnishing of probation bonds and surety bonds to the satisfaction of the trial Court, if not required in any other case. It is made clear that during the period of one year, each petitioner shall continue to maintain good behaviour and keep peace and in case of breach of conditions of the bond, he will be liable to serve sentence as and when called for. The amount of fine, if any, paid shall be treated as costs of the court proceedings.

With the above observations/modification of impugned order, present revision petition is disposed of.

27.07.2015
parveen kumar

(Paramjeet Singh)
Judge