

CRR-1711-2015

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

**CRR-1711-2015 (O & M)
Date of Decision: 27.07.2015**

Sikander Singh

... 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. G.L.Bajaj, Advocate,
for the petitioner.

Mr. K.S.Sidhu, DAG, Punjab.

Paramjeet Singh, J. (Oral)

Present criminal revision has been preferred by the petitioner against judgment of conviction and order of sentence dated 21.04.2015 passed by the Additional Sessions Judge, Bathinda whereby appeal preferred by the petitioner has been partly accepted and sentence awarded to the petitioner by the Sub Divisional Judicial Magistrate, Talwandi Sabo under Sections 324 and 452 of the Indian Penal Code, vide impugned order dated 15.06.2013, has been reduced from two years' rigorous imprisonment to one year's rigorous imprisonment and fine awarded to the petitioner has been upheld.

I need not dilate upon the facts of this case in detail as the

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same have already been recapitulated in the judgment of the learned Courts below and in view of the ultimate prayer of the petitioner seeking reduction in sentence.

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

Learned counsel for the petitioner 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 petitioner be suitably reduced as this criminal trial is hanging on his head like damocle's sword for more than four years and it should be a sufficient mitigating circumstance to treat him leniently. Learned counsel for the petitioner has further submitted that the FIR pertains to the year 2011 and since then a period of more than four years has elapsed. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further submits that the petitioner is first offender. The petitioner has suffered the ordeal for long period. Learned counsel for the petitioner further submits that the petitioner has undergone the imprisonment for approximately three and half 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

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keeping in view the needs of the community and interests of the accused: such as compensation to the victims, release on admonition, probation 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 petitioner, which have been noted above, this Court is of the view that no useful purpose would be served by keeping the petitioner in the company of hardcore criminals. Instead of keeping the accused/petitioner in the company of hardcore criminals, releasing him 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 petitioner, I direct that the accused/petitioner be released on probation for one year on furnishing of probation bond and surety bond 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, the 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