

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

**CRR-2133 of 2015 (O&M)
Date of Decision:5.6.2015**

Satpal Singh

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mrs.Kiran Bala Jain, Advocate,
for the petitioner.

1. To be referred to the reporters or not?
2. Whether the judgment should be reported in the digest.

RAJIV NARAIN RAINA, J.(Oral)

Mrs.Kiran Bala Jain appearing for the convict in the revision submits that in the main trial, revisionist Satpal Singh has been acquitted. However, during the trial, he was proceeded under Section 174-A IPC when the proceedings for declaring him proclaimed offender were initiated. He surrendered and the trial continued and he kept appearing on the dates fixed. However, there was a lapse on a single day in 11 years of trial which proceedings continued and despite acquittal in the main case, he has been convicted for 2 years in the proceedings initiated under Section 174-A IPC and has been imposed fine of ₹ 2,000/-. Fine has been paid.

Notice of motion.

Ms.Tanushree Gupta, DAG, Haryana accepts notice on behalf

of the respondents and waives service on them.

Mrs.Jain confines her prayer for the disposal of the revision itself that her client may be released on probation under Section 360 Cr.P.C. read with Section 4 of the Probation of Offenders Act, 1958. There is merit in this submission and no useful purpose will be served in denying the petitioner the benefit of probation since lapse was only once during the period of 11 years trial which is pardonable and compoundable. Resultantly, this revision is allowed and the judgment of conviction and sentence passed by learned Additional Sessions Judge, Ambala dated 11.5.2015 is modified.

The petitioner will remain on probation for one year and will report to the Police Station once in 6 months.

June 5, 2015

Paritosh Kumar

**(RAJIV NARAIN RAINA)
JUDGE**