

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2515 of 2015 (O&M).
Decided on:-July 16, 2015.

Haroon.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Sarfraj Hussain, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Notice of motion.

On the asking of this Court, Mr. Kapil Aggarwal, AAG,
Haryana accepts notice in this petition.

Through the instant revision petition, the petitioner has challenged the impugned judgment of conviction dated 17.4.2014 and order of sentence dated 22.4.2014 passed by learned Judicial Magistrate 1st Class, Ferozepur Jhirka whereby the petitioner was convicted for commission of offence punishable under Section 279 IPC and was sentenced to undergo rigorous imprisonment for a period of four months and to pay a compensation of Rs.2,000/- to the complainant.

Challenge has also been made to the judgment dated 6.7.2015 whereby the appeal preferred by the petitioner was dismissed by learned Sessions Judge, Mewat. However, his sentence was reduced to rigorous imprisonment for one month.

Learned counsel for the petitioner contends that the petitioner may be released on probation as he is not a previous convict, facing the trial for the last more than six years and is in custody for the last about 10 days and, as such, his case is covered by a judgment of Hon'ble Delhi High Court in ***Mahabir Singh Versus State 2001(1) RCR (Criminal) 808***.

Considering the fact that the petitioner has suffered the agony of trial for the last more than six years and he has already undergone custody for a period of 10 days and there is no allegation that the petitioner is a previous convict, he deserves the benefit under Section 4 of the Probation of Offenders Act, 1958.

Accordingly, in the aforesaid circumstances, while maintaining the conviction of the petitioner, sentence awarded to him is set aside. However, with regard to the facts and circumstances including the nature of the offence and the character of the offender, it is considered expedient to release him on probation of good conduct and, therefore, it is directed that the petitioner be released for a period of one year from the date of his release on his entered into a personal bond in the sum of Rs.10,000/- with one surety in the like amount to appear and receive sentence as and when called for during such period. In the meantime, the petitioner shall keep peace and be

of good behaviour. The requisite bond be furnished by the petitioner and the surety to the satisfaction of the trial Court/Duty Magistrate.

With the aforesaid modification in the order of sentence, the findings of the trial Court as well as the appellate Court regarding conviction of the petitioner are affirmed and the present criminal revision petition stands disposed of.

Dasti as well.

(HARI PAL VERMA)
JUDGE

July 16, 2015
'Yag Dutt'