

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Revn.No.3024 of 2014

Date of Decision: April 28, 2015

Balour SinghPetitioner

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.JS Brar, Advocate for the petitioner.

Mr.Nikhil K.Chopra, Deputy Advocate General, Punjab.

Mr.AS Jattana, Advocate for respondent No.2.

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TEJINDER SINGH DHINDSA, J.

The instant revision petition is directed against the judgment dated 25.8.2014 passed by the learned Additional Sessions Judge, Sri Muktsar Sahib affirming the judgment of conviction and order of sentence dated 12.5.2011 passed by the Additional Chief Judicial Magistrate, Sri Muktsar Sahib, whereby the petitioner was convicted under Sections 353 and 332 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of two years and a fine of ₹1,000/- under Section 353 of the Indian Penal Code and to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹1,000/- under Section 332 of the Indian Penal Code. In default of payment of fine, the petitioner was further directed to undergo

rigorous imprisonment for a period of two months under both the sentences. The sentences were ordered to run concurrently.

2. Brief allegations against the petitioner were that lady ASI Jaswinder Kaur who was posted as Incharge, Women Cell in the Office of Senior Superintendent of Police, Sri Muktsar Sahib, was present on 30.6.2006 along with other police officials in connection with the investigation of case FIR No.128 dated 30.6.2006, under Sections 457/380 of the Indian Penal Code, Police Station Sri Muktsar Sahib registered against one Reshmi wife of Badal and during late evening hours, the present petitioner, who was serving as Sub Inspector in the Punjab Police and posted in Bathinda District and was already known to the complainant i.e. lady ASI Jaswinder Kaur, came present and started making enquiries and demanded release of the accused in the afore-noticed FIR. Upon complainant lady ASI Jaswinder Kaur refusing to oblige, the petitioner, who was stated to be under the influence of liquor, became infuriated and twisted her right arm and thereby obstructed her in the discharge of her public duties. Petitioner stands convicted for offence under Sections 353 and 332 of the Indian Penal Code by the trial Court and such conviction stands affirmed by the Appellate Court.

3. Learned counsel appearing for the petitioner, at the very outset, submits that he does not wish to press the instant revision petition so far as the conviction for offences under Sections 353 and 332 of the Indian Penal Code is concerned, but prays for a lenient view to be taken as regards sentence. It has been contended that the offence under Section 332 of the Indian

Penal Code is punishable for a maximum imprisonment of three years and offence under Section 353 of the Indian Penal Code is punishable for maximum imprisonment of two years and as such, case of the petitioner may be considered for grant of benefit of probation under Section 360 of the Code of Criminal Procedure. Learned counsel further submits that the matter thereafter has even been compromised with complainant lady ASI Jaswinder Kaur.

4. It would be apposite to notice that complainant Jaswinder Kaur was permitted to be impleaded as party-respondent No.2 vide order dated 2.12.2014 passed by this Court. She stands duly represented through counsel, namely, Mr.AS Jattana, Advocate and who, during the course of hearing today, has made a statement that the matter stood compromised with the present petitioner.

5. The incident relates back to the year 2006. The petitioner has faced the pangs of criminal prosecution for the last about eight years. As per custody certificate furnished by the learned State counsel, the petitioner has already undergone sentence in excess of eight months as of date. He is stated to be not involved in any other criminal proceedings. Furthermore, the petitioner, who was serving as a Sub Inspector with the Punjab Police, has already attained the age of superannuation on 31.11.2009. It has gone uncontroverted that he possessed 38 years of unblemished service record.

6. In the considered view of this Court, it would be a fit case for grant of benefit of probation to the petitioner.

Accordingly, the present revision petition is partly accepted. While maintaining the judgment of conviction as passed by the learned Additional Sessions Judge, Sri Muktsar Sahib, the order of sentence is set aside and the sentence is reduced to the period already undergone.

7. The petitioner is directed to be released on probation on his furnishing probation bonds of good conduct for a period of two years to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sri Muktsar Sahib. During this period, he shall keep peace and be of good behaviour and shall be called upon to receive the sentence in case of violation of any condition of the bond.

8. Revision petition is disposed of in the aforesaid terms.

April 28, 2015
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: Whether to be referred to Reporter? (Yes/No)