

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 3516 of 2014 (O&M)
Date of decision: 27.11.2015

Shishu Pal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Suneet Kumar, Advocate
for the petitioner.

Mr. R.P.S.Sidhu, AAG, Punjab.

Mr. Gaurav Rana, Advocate
for the complainant.

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Section 338, 279 of the Indian Penal Code, 1860 ('IPC' for short) in FIR No. 53 dated 7.10.2008, registered at Police Station Shahpurkandi, Pathankot. Trial Court vide judgment/order dated 9.5.2013 ordered the conviction and sentence of the petitioner under Section 279, 338 IPC. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 14.10.2014. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that during the pendency of this petition, parties have amicably settled their dispute. Learned counsel for the petitioner has not challenged

the conviction of the petitioner under Section 279, 338 IPC but has submitted that order of sentence qua imprisonment of the petitioner be set aside and the petitioner be ordered to be released on probation.

Vide order dated 13.7.2015, Chief Judicial Magistrate was directed to record the statement of the victim/injured and send its report with regard to genuineness of the settlement effected between the parties.

In pursuance to the said order, the Additional Chief Judicial Magistrate after recording the statement of the victim has reported that the statement suffered by the injured/victim was genuine.

Learned counsel for the complainant has admitted the factum of compromise between the parties and has submitted that complainant has no objection if the petitioner is ordered to be released on probation.

Accordingly, conviction of the petitioner under Section 279, 338 IPC is maintained. However, sentence qua imprisonment of the petitioner, as ordered by the Courts below, is set aside. Petitioner is ordered to be released on probation under Section 4 (i) of Probation of Offenders Act, 1958 for a period of 06 months subject to his furnishing personal bonds in the sum of ₹ 10,000/- with one surety in the like amount to the satisfaction of the Trial Court. It is further directed that the petitioner shall keep peace and bear good behaviour during the period of probation. Petitioner is directed to furnish the requisite bonds before the Trial Court within one month from the receipt of the copy of this order, failing which the petition filed by the petitioner shall be deemed to have

been dismissed.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

November 27, 2015

Gurpreet