

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

**CRR No. 3858 of 2015(O&M)
Date of decision : 17.11.2015**

Dyal Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. G.S.Nahel, Advocate for the petitioner.

Mr.Ashish Sanghi, DAG, Punjab.

1. Whether Reporters of 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?

AJAY TEWARI, J. (Oral)

This is a revision filed by the petitioner against the concurrent orders of conviction and sentence of the Courts below whereby he was sentenced to undergo imprisonment for the commission of offence under Sections 61(i)(c) of the Punjab Excise Act whereby he was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs. 5000/- and in default of payment of fine to further undergo rigorous imprisonment for a period of three months.

Custody certificate by way of affidavit of Haredeep Singh, Superintendent, District Jail, Sangrur has been filed and the same is taken on record. Copy supplied to the counsel opposite.

Learned counsel for the petitioner has argued that he

would not press this petition on merits but prays that benefit of Section 4 of the Probation of Offenders Act be granted to him since the offence is such for which this benefit can be granted. He states that the petitioner is not a previous convict and has now undergone 3 months and 3 days of sentence out of a total sentence of one year. Learned DAG is not in a position to point out why the benefit of aforesaid Section of the Probation of Offenders Act should not be made available to the petitioner.

In the circumstances, keeping in view the nature of the offence and the fact that the petitioner is not a previous convict, it is directed that he be released on probation of good conduct on his furnishing personal bonds in the sum of Rs. 20,000/- with one surety in the like amount to keep peace and be of good behaviour for a period of two years and to receive the sentence as and when called upon to do so during the said period of two years. The requisite bonds will be furnished before the trial Court within a period of one month from the date of receipt of a certified copy of this order failing which he shall undergo sentence imposed upon him by the trial Court.

With the modification in the quantum of sentence the aforesaid revision petition is dismissed.

Since the main case has been decided, the Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

November 17, 2015
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