

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

210

CRM-M-887 of 2015 (O&M)
Decided on : 01.04.2015

Babli @ Rajender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE PARAMJEET SINGH

Present : Mr.Vinod Bhardwaj, Advocate
for the petitioner.
Mr.Naveen Sheoran, DAG, Haryana.

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?

Paramjeet Singh, J. (Oral)

This criminal revision has been filed by the petitioner- *Babli @ Rajender* against the judgment dated 24.02.2015 passed by learned Sessions Judge, Kaithal, thereby dismissing the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 31.10.2012 passed by learned Judicial Magistrate 1st Class, Kaithal , vide which the petitioner has been convicted for offences punishable under Sections 323, 325 and 452 read with Section 34 of the Indian Penal Code and sentenced as under:

<i>Name of accused</i>	<i>Under Section</i>	<i>R.I.</i>	<i>Fine</i>	<i>In default of payment of fine</i>
Babli @ Rajender	323/34 IPC	Six months	₹ 100/-	15 days
	325/34 IPC	One year	₹200	One month
	452/34 IPC	One year	₹200	One month

All the above said sentences awarded to the petitioner have been ordered to run concurrently.

I need not dilate upon the facts of this case in detail as the same have already been recapitulated in the judgments of the learned Courts below and in view of the ultimate prayer of the petitioners seeking for release on probation.

I have heard the learned counsel for the parties and perused the record.

At the very outset, without challenging the conviction recorded against the petitioner by the courts below, learned counsel for the petitioner has sought benefits of probation towards the petitioner by taking a lenient view on the quantum of sentence. He has placed reliance upon ***Pawan Kumar Bansal versus State of Punjab, 2004(2) R.C.R. (Criminal) 325, Vijay Kumar Jindal vs. State of Punjab, 2004 (2) RCR (Criminal) 816, State of Punjab vs. Nasib Singh 2003(3) R.C.R.(Criminal) 304 and Hem Raj vs. State of Punjab, 2008(3) RCR (Criminal) 475.*** Learned counsel for the petitioners has contended that in the light of Full Bench judgment rendered in ***Joginder Singh vs. State of Punjab, 1980 CLJ (Criminal) 150***, the prescription of minimum sentence is no bar for attracting the provisions of the Probation of Offenders Act or as a

matter of fact Sections 360 and 361 of the Code of Criminal Procedure. Relying heavily on the aforesaid submissions, the learned counsel for the petitioners contends that the petitioner deserve a sympathetic hilt with regard to the quantum of sentence.

Petitioner has been facing the ordeal of trial and damocle's sword has been hanging on their head for about eight years. The sentence awarded to him is one year rigorous imprisonment. In the opinion of this Court, no useful purpose would be served by keeping the petitioner in the company of hardcore criminals. It is a fit case wherein the petitioner can be released on probation and in lieu thereof, each of the petitioner can be burdened to pay compensation for a sum of ₹ 30,000/- to injured and ₹ 2,500/- as costs of litigation which shall be deposited with the District Legal Services Authority, Kaithal. Ordered accordingly. Accordingly, while maintaining the conviction of the petitioner, I direct that the accused/petitioner be released on probation for one year on depositing ₹ 30,000/- as compensation to injured/LRs under Section 357 Cr.P.C. and ₹ 2,500/- as costs of litigation which shall be deposited with the District Legal Services Authority, Kaithal as well as on furnishing of requisite probation bond and one surety bond to the satisfaction of the trial Court.

With the observations made above, present revision petition is disposed of with a direction that the petitioner, if in custody, will be released immediately on deposit of the amount of compensation and litigation expenses, if not required in any other

case. It is made clear that if the aforesaid amount is not deposited, the petitioner or petitioners, as the case may be, will undergo the remaining sentence.

**[Paramjeet Singh]
Judge**

01.04.2015
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In CRR No.887 of 2015 (O&M)

Before the file could be sent to the office, Restorer brought to the notice of the Bench Secretary of the Court and the Bench Secretary has brought to my notice that on all the pages of the order dated 01.04.2015 passed in 'CRR No.887 of 2015' instead of writing letters 'CRR', letters 'CRM-M' have been inadvertently written.

In view of this, court takes suo motu notice.

The mistake apparently appears to be typographical/clerical. As such wherever in the order dated 01.04.2015 letters 'CRM-M' appear, either in the title or at the top of the pages, the same shall be read as 'CRR'.

[Paramjeet Singh]
Judge

02.04.2015

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