

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

**Criminal Revision No.2741 of 2016 (O&M)
Date of Decision : 27th September, 2016**

Neeraj Kumar alias Putla alias Monu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashit Malik, Advocate
for the petitioner.

Mr. K.S.Pannu, DAG, Punjab
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

Petitioner has preferred the instant revision petition against the judgment dated 20.07.2016, passed by the learned Addl. Sessions Judge, Kurukshetra, dismissing his appeal against the judgment of conviction dated 01.04.2013 and order of sentence dated 02.04.2013, passed by the learned Addl. Chief Judicial Magistrate, Kurukshetra, in case FIR No.20 dated 23.01.2009 registered at Police Station Sadar Thanesar, vide which he was held guilty for the commission of offence punishable under Sections 323, 325, 452, read with Section 34 and 506 IPC and sentenced him to undergo rigorous imprisonment for a period of three months and to pay a fine of Rs.250/- and in default of payment of fine to further undergo rigorous imprisonment for a period of 15 days under Section 323 read with 34 IPC; rigorous imprisonment for a period of 06 months and to pay a fine of

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Rs.500/- and in default of payment of fine to further undergo rigorous imprisonment for a period of 01 month under Section 325 read with Section 34 IPC; rigorous imprisonment for a period of 01 year and to pay a fine of Rs.500/- and in default of payment of fine to further undergo rigorous imprisonment for a period of 01 month under Section 452 read with Section 34 IPC and rigorous imprisonment for a period of 06 months and to pay a fine of Rs.250/- and in default of payment of fine to further undergo rigorous imprisonment for a period of 15 days under Section 506 IPC.

Custody certificates by way of affidavit of Bimla Devi, Deputy Superintendent, District Prison, Kurukshetra, has been filed. Same is taken on record.

As per custody certificates, petitioner has already undergone 01 month and 28 days of actual sentence.

Learned counsel for the petitioner argues that only slaps and fist blows have been attributed to the petitioner and his claim for being released him on probation has not been considered by both the Courts below. Even though, he is otherwise qualify for the same. He further argues that the antecedents of the petitioner are clean.

Learned State counsel, on instructions, accepts these factual assertions.

In these circumstances, keeping in view the nature of the offences 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 each in the like amount to keep peace and be of good behaviour for a period of one year and to receive the sentence as and when called upon to do so during the said

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period. The requisite bonds 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 will 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

27th September, 2016

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No