

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No. 1532 of 2007 O&M)
Date of decision: 5.7.2017

Chhattar Pal

.. Petitioner

v.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. B. R. Vohra, Advocate for the petitioner.
Ms. Palika Monga, Deputy Advocate General, Haryana.

...

Rajesh Bindal J.

The petitioner having been convicted for the offences under Sections 279, 337 and 429 IPC, was sentenced by the trial court as under:

1. Under Section 279 IPC: Fine of ₹ 1,000/-
2. Under Section 337 IPC: Rigorous imprisonment for three months and fine of ₹ 500/-
3. Under Section 429 IPC: Rigorous imprisonment for six months and fine of ₹ 2,000/-.

In default of payment of fine, the petitioner was sentenced to undergo simple imprisonment for one month. In appeal, the lower appellate court set aside the conviction of the petitioner under Section 337 IPC but

upheld the conviction under Sections 279 and 429 IPC.

As per the custody certificate produced by learned counsel for the State, the petitioner has already undergone actual imprisonment for a period of one month and three days. The incident is more than 20 years old. As stated by learned counsel for the petitioner, post mortem of the buffaloe who allegedly died in the accident, was not conducted to find out the real cause of death to link the same with the accident. The petitioner had not been involved in any other accident. He prayed for release of the petitioner on probation.

After hearing learned counsel for the parties and considering the fact that out of six months imprisonment awarded to the petitioner, he has already undergone actual imprisonment for a period of one month and three days and nothing has been pointed out regarding mis-conduct of the petitioner after his conviction, in my opinion, no useful purpose would be served at this stage by sending the petitioner to jail to serve the remaining period of sentence. Instead of sending him to jail, he is directed to be released on probation on his furnishing personal bond in the sum of ₹ 25,000/- with one surety of the like amount to the satisfaction of the trial court, subject to the condition that he will keep peace and be of good behaviour for a period of one year from the date of passing of this order. The amount of fine imposed under Section 429 IPC is converted into cost of proceedings and increased from ₹ 2,000/- to ₹ 5,000/-. The personal bond is to be furnished and costs are to be deposited within a period of two months from the date of receipt of copy of the order. Needless to mention that in case the petitioner is found to be involved in any illegal activity, the sentence awarded to him by the trial court, as upheld by the lower appellate

court, shall stand revived.

The revision petition stands disposed of, accordingly.

(Rajesh Bindal)
Judge

5.7.2017
mk

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No