

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

Crl. Revision No. 2110 of 2007 (O&M)
Date of decision : 11.8.2017

Ganesh Kumar

.. Petitioner

versus

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. D.K. Prajapati, Advocate for
Mr. Raghujeet Singh Madaan, Advocate, for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

Having been convicted under Sections 323/506 read with Section 34 of Indian Penal Code and sentenced to undergo imprisonment for a period of six months and to pay a fine of ₹ 1,000/-, which was upheld in appeal, the petitioner has preferred the present petition.

Short submission made by learned counsel for the petitioner is that the incident took place more than 20 years back. There was no intention of the petitioner to cause injury. In any case the injury was found to be simple in nature. Out of six months imprisonment awarded to the petitioner, he has already undergone actual imprisonment of one month and eight days. He further submitted that the petitioner had not been involved in any other case either before the incident or thereafter. Hence, the petitioner may be released on probation.

Learned counsel for the State submitted that there is no information available with him regarding involvement of the petitioner in any other case. He did not dispute the fact that the injury inflicted by the petitioner was found to be simple in nature with lathi.

After hearing learned counsel for the parties and considering the fact that the incident is more than two decades old, injury inflicted by the petitioner was found to be simple in nature; the petitioner has already undergone actual imprisonment of one month and eight days out of six months awarded and further there is nothing on record to suggest that the petitioner was involved in any other case after the FIR in question, in my opinion, no useful purpose will be served 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 ₹ 20,000/- 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 Sections 323/506 read with Section 34 IPC is converted into cost of proceedings. The personal bond is to be furnished 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

11.8.2017
sharmila

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