

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

CRR No. 1976 of 2008 (O&M)

Date of Decision: 13.09.2017

DHARAM PAL

...Petitioner

VS.

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

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

 Mr. Pawan Garg, AAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest?*

KULDIP SINGH, J. (ORAL)

Impugned in the present revision petition is the judgement dated 18.09.2008 passed by the learned Additional District and Sessions Judge (Ad hoc), Fast Track Court, Panchkula affirming the judgment of conviction dated 01.11.2006 and order of sentence dated 02.11.2006 of learned Chief Judicial Magistrate Panchkula vide which the present petitioner was convicted for the offence punishable under Section 279, 337 and 338 of Indian Penal Code and sentenced to undergo rigorous imprisonment for three months and to pay a fine of ₹ 700/- under Section 279 of IPC and in default of payment of fine to further undergo simple imprisonment for seven days. The petitioner was also sentenced to undergo rigorous imprisonment for one month and to pay fine of ₹300/- under Section 337 of IPC and in default thereof, to further undergo simple imprisonment for five days. The petitioner was also convicted and sentenced to undergo rigorous imprisonment for two months and to pay a fine of ₹ 800/- under Section 338 of IPC and in default thereof to further undergo simple imprisonment for fifteen days. However, all the sentences were directed to run concurrently.

It comes out that the maximum sentence awarded to the petitioner is rigorous imprisonment of three months.

Considering the fact that the maximum sentence, awarded by the Courts below, is three months and considering the fact that accused-petitioner is the first offender, I am of the view that if the petitioner is kept in jail, he will become hardened criminal while in company of criminals. Therefore, he should be given a chance to reform himself. Accordingly, while maintaining the judgement of conviction under Section 279, 337 and 338 IPC, the order of sentenced passed by the Chief Judicial Magistrate, Panchkula as upheld by the learned Additional Sessions Judge, Panchkula (Ad hoc), Fast Track Court, is hereby set aside. Petitioner is ordered to be released on probation on his furnishing probation bonds in the sum of ₹20,000/- for a period of one year with one surety of the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panchkula. Consequently, accused-petitioner, furnish the probation bond before learned Chief Judicial Magistrate, Panchkula within two weeks from the date of receipt of copy this order and submit compliance report to this Court.

During the period of probation, he will maintain peace and be of good behavior. The conviction will not be treated as a disqualification attached to conviction as per Section 12 of the Probation of Offenders Act, 1958.

The accused-petitioner is also ordered to pay a sum of ₹ 5,000/- as a compensation to Raj Kumar, injured. The amount of compensation be deposited within four weeks with the learned Chief Judicial Magistrate, Panchkula who shall remit the same to the injured.

In view of the above, the present revision is partly allowed to the above noted extent.

September 13, 2017
Suresh Kumar

(KULDIP SINGH)
JUDGE

<i>Whether speaking / reasoned</i>	:	✓ Yes	/	No
<i>Whether Reportable</i>	:	✓ Yes	/	No