

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

**Crl. Revn No. 4003 of 2012
Date of decision : 19.01.2017**

Sultan Singh

.....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gurinder Pal Singh, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana

RITU BAHRI, J.

Challenge is to the judgment dated 09.10.2012 passed by the learned Addl. Sessions Judge, Fatehabad, whereby the appeal filed by the petitioner against judgment of conviction dated 05.05.2011 and order of sentence dated 06.05.2011 has been upheld whereby the petitioner was sentence to undergo rigorous imprisonment substantially for a period of one year under Section 354 IPC and to pay a fine of Rs.500/-.

The occurrence took place on 30.06.2008 with the allegation that the daughter of the complainant when gone to the house of the petitioner to play there, she was forcibly kissed by the petitioner. She reported this matter on 03.07.2008 to her parents.

Both the Courts below after going through the contents of the

case convicted and sentenced the petitioner, as the prosecutrix herself appeared in the witness box and stated that she was kissed by the petitioner by calling her in a room. She was only 11 years old at the time of incident. Thus, the accused tried to outrage the modesty of the prosecutrix. Further the statement of the prosecutrix was corroborated by Saroj complainant while appearing as P.W.2.

After arguing for some time, learned counsel for the petitioner does not challenge the conviction on merits and restrict his prayer to the quantum of sentence.

Vide order dated 26.03.2013, the sentence of the petitioner was suspended and at that time the applicant has undergone 07 months and 15 days of actual sentence out of one year including remission of 01 month .

Learned counsel for the petitioner has further submitted that the Court may consider the release of the petitioner on probation of Good Conduct.

The petitioner has been facing the agony of protracted trial since 2008 i.e for almost 08 years. He is not facing any other trial.

In view of the above position, the petition is dismissed on merits. However, the judgment of conviction, recorded by the Courts below are upheld. The petitioner is allowed concession of probation for a period of one year on his entering into a bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the trial Court undertaking therein that he shall keep peace and maintain good behaviour and shall appear and receive sentence as and when called upon to do so during the

said period. Petitioner shall further deposit a sum of Rs.5000/- before the District State Legal Services Authority, Hisar.

(RITU BAHRI)
JUDGE

19.01.2017
G Arora

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>