

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

**Crl. Revn. No. 1052 of 2013
Date of decision : 19.01.2017**

Pankaj Sharma

.....Petitioner

versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. B.B. Bagga, Advocate
for the petitioner.

Mr. D.R. Singla, DAG, Haryana

RITU BAHRI, J.

Challenge is to the judgment dated 19.12.2012 passed by the learned Sessions Judge, Panchkula, whereby the appeal filed by the petitioner against judgment of conviction and order of sentence dated 19.09.2011 has been upheld whereby the petitioner was sentenced to undergo rigorous imprisonment substantially for a period of one year under Sections 354/294/323/506 IPC.

F.I.R has been registered against the petitioner on 21.09.2006 with the allegation that when the complainant had gone to the accused for some work, he misbehaved with her, caught hold of her hand and when she resisted, he slapped her on the face. She was saved by Kuldeep, Clerk, Sarita, Surinder Kaur and ASI Jitender Singh. The accused later threatened

to see her later.

Both the Courts below after going through the contents of the case, convicted and sentenced the petitioner, as the testimony of the complainant was corroborated by the testimony of I.O Tehal Singh, P.W.2 EHC Surinder Kaur, P.W.3 Kuldeep Singh, Clerk and PW4 Jatinder, who were on official duty in the office of the complainant on 21.09.2006 and are eye witness of the occurrence. Further the mobile call details of accused with regard to making of calls to complainant has been proved by P.W6 I.O Tehal Singh. The complainant was examined on the same day and there were five injuries on her body in the form of contusions and abrasions and duration of the injuries was within six hours.

The only defence taken by the accused that he was medically unfit and is of unsound mind at the time of commission of offence and thus his act comes with general exception as provided under Section 84 of IPC. But this defence was discarded by both the Courts below as the accused has not produced any evidence to show that he was medically unfit. He was in government service and there is no evidence that there was any other episode of this kind before or after this occurrence. This was a single episode. There was no other abnormal behaviour during that period.

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 30.04.2013, the sentence of the petitioner was suspended and the applicant has undergone 05 months and 16 days of actual

sentence out of one year including remission of 27 days .

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 2006 i.e for almost 10 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, Ambala.

(RITU BAHRI)
JUDGE

19.01.2017
G Arora

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