

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

**CRR No.4444 of 2015 (O&M)
Date of decision : December 12, 2017**

Rajinder Singh Giani and others **Petitioners**

Versus

State of Punjab **Respondent**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. H.S. Dhaliwal, Advocate for the petitioners.
Ms. Monika Jalota, DAG, Punjab.

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)

Five petitioners in the present case along with one Billu Singh were convicted and sentenced by the learned Judicial Magistrate 1st Class, Abohar vide judgment of conviction and order of sentence dated 17.05.2014 as under:

a) All the convicts are ordered to undergo rigorous imprisonment for a period of one month under Section 323 IPC read with Section 149 IPC.

b) All the convicts are also ordered to undergo rigorous imprisonment for a period of six months each and to pay fine of ₹1,000/- each under Section 147 IPC and in default of payment of fine each accused is to further undergo rigorous imprisonment for 15 days.

Both the sentences shall run concurrently.

The appeal filed by the accused-petitioners was dismissed by the learned Addl. Sessions Judge, Fazilka, vide judgment dated 02.11.2015.

Custody certificates dated 11.12.2017 of all the petitioners have been filed in the Court today and the same are taken on record. A perusal of

these custody certificates shows that all the petitioners have undergone actual sentence of 1 month 7 days; they are not previous convicts nor any other case is pending against them.

It comes out from the order dated 19.11.2015 passed by this Court that the present petition was pressed only on the point of quantum of sentence.

Learned counsel for the petitioners has prayed for releasing the petitioners on probation, considering that they are the first offenders and are facing trial since the year 2010. It is further stated that the entire family has been convicted and sentenced.

Considering the fact that the petitioners are the first offenders and the offence committed is punishable under Section 323 read with Section 149 and 147 IPC, I am of the view that they should be given a chance to reform themselves. Therefore, while maintaining the conviction of the petitioners, the sentence awarded to them is, hereby set aside and they are ordered to be released on probation under Section 5 of Probation of Offenders Act, 1958 on their furnishing probation bonds in the sum of ₹25,000/- each with one surety of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Fazilka, for a period of one year with an undertaking to maintain peace and be of good behaviour, failing which, the petitioners shall surrender before the lower Court to undergo the remaining part of the sentence. Probation bonds be furnished within two months from the date of receipt of certified copy of this order. As provided under Section 12 of Probation of Offenders Act, 1958 the conviction of the petitioners shall not be treated as disqualification for any purpose. The petitioners are

burdened with the litigation cost of ₹1,000/- each, payable to the State, in addition to the fine imposed by the trial court.

In view of the aforesaid, the present revision petition is partly allowed.

(KULDIP SINGH)
JUDGE

December 12, 2017

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Whether speaking / reasoned	Yes
Whether Reportable:	No