

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRR-4336-2016 (O&M)****Date of Decision: 03.03.2017**

Kuldeep Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.

Karam Singh filed criminal complaint dated 30.10.2006 against Kuldeep Singh (present petitioner) under Sections 323/324/427/452/506/511 IPC. Vide judgment dated 28.11.2013, the trial Court has convicted Kuldeep Singh under Sections 323/452 IPC. He was sentenced as under:

Offence		Sentence awarded
U/s IPC	323	To undergo RI for a period of six months and to pay a fine of Rs.500/- and in default of payment of fine to further undergo RI for a period of one month.
U/s IPC	452	To undergo RI for a period of one year and to pay a fine of Rs.500/- and in default of payment of fine to further undergo rigorous imprisonment for a period of one month.

Sentences were directed to run concurrently.

Kuldeep Singh having filed an appeal, the judgment of conviction and order of sentence has been affirmed vide judgment dated 03.11.2016 passed by the learned learned Additional Sessions Judge, Ludhiana.

The instant revision petition is directed against the judgment

dated 03.11.2016 passed by the Appellate Court.

Learned counsel appearing for the petitioner at the very outset submits that he does not wish to press the instant revision petition so far as conviction for offences under Sections 323/452 IPC is concerned but prays for a lenient view to be taken as regards sentence. Counsel submits that the case of the petitioner may be considered for grant of benefit of probation under Section 360 of the Code of Criminal Procedure.

Briefly it may be noticed that the complainant Karam Singh is the father-in-law of accused, Kuldeep Singh/present petitioner. Complainant asserted that he was over 70 years of age and running a manufacturing unit under the name and style of M/s Mankoo Engineering Works at Focal Point, Ludhiana. The matrimonial ties between his daughter and son-in-law were strained. The accused always treated his wife/Manjit Kaur with cruelty. About 2 months prior to filing of the complaint, accused had given beatings to his wife and turned her out of the house. On 21.10.2016, being Diwali, complainant, his daughter Manjit Kaur as also Manoj and Ram Kishan were present in the factory premises and at about 12.00 P.M., the accused Kuldeep Singh entered into the premises and started hurling abuses towards the complainant and his daughter. He was alleged to have given a blow on the head of the complainant and who fell down. He then even gave a kick blow on the chest of the complainant. Accused is stated to have then beaten up his wife Manjit Kaur. Upon alarm having been raised, the neighbours were attracted and upon which the accused fled away while threatening the complainant not to lodge a complaint as otherwise he would be killed.

This Court has perused the judgment of conviction passed by

the trial Court and is of the view that the same is passed on valid and cogent reasoning and the conviction has been recorded upon due appreciation of evidence. There would be no scope of interference as such in the same.

However, this Court finds it to be a fit case for grant of benefit of probation to the petitioner. The objective of the statute being to afford a chance to the accused to reform himself.

In the present case, the incident relates back to the year 2006. Petitioner has faced the pangs of a prolonged trial as also proceedings in appeal over a period of a decade. The occurrence clearly is a fallout of a bad marriage. The Appellate Court has noticed in its judgment that vide document Ex.DW1, the accused and his wife have got divorce by mutual consent and during the pendency of the complaint itself. As per custody certificate furnished by the learned State counsel, the petitioner otherwise has clean antecedents and is not involved in any other criminal proceedings. As on 03.03.2017, the petitioner has already undergone a total custody period of 3 months and 21 days and the actual sentence undergone including remissions is 4 months and 12 days.

In the considered view of this Court, it would be a fit case for grant of probation to the petitioner.

Accordingly, the present revision petition is partly accepted. While maintaining the judgment of conviction as passed by the learned Judicial Magistrate 1st Class, Ludhiana, the order of sentence is set aside and the sentence is reduced to the period already undergone.

The petitioner is directed to be released on probation on his furnishing probation bonds of good conduct for a period of two years to the

satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

During this period, he shall keep peace and be of good behaviour and shall be called upon to receive the sentence in case of violation of any condition of the bond.

Revision petition is disposed of in the above said terms.

03.03.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |