

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

**CRR-1997 -2017 (O&M)
Date of decision: 20.07.2017**

Savin @ Sinna

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rahul Gautam, Advocate for the petitioner
Mr.Gurdas Singh, Deputy Advocate General, Haryana

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Heard.

Petitioner has been convicted under Section 411 IPC and sentenced to undergo Rigorous Imprisonment for one year by learned Sub Divisional Judicial Magistrate, Ganaur vide judgment of conviction dated 1.4.2014 and order of sentence dated 7.4.2014, which was affirmed by learned Additional Sessions Judge, Sonipat vide judgment dated 17.5.2017.

Custody certificate dated 20.7.2017 filed in Court today and the same is taken on record. It shows that the petitioner has already undergone actual sentence of two months and 10 days including remissions. As per custody certificate, the petitioner does not have the previous criminal record nor any criminal case is pending against him.

Learned counsel for the petitioner has prayed that the petitioner is now 27 years of age. The offence pertains to the year 2013 i.e. four years

back when the petitioner was only 23 years of age. Therefore, keeping in view the fact that he is first offender, he may be released on probation.

After considering the facts and circumstances and the fact that there is no previous criminal record against the petitioner and no criminal case is pending against him and he is the first offender, I am of the view that the petitioner must be given a chance to reform himself. Accordingly, while maintaining conviction under Section 411 IPC, the order of sentence is set aside and the petitioner is ordered to be released on probation under the provisions of the Probation of Offenders Act, 1958 on furnishing probation bonds in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate concerned for a period of one year with undertaking to maintain peace and be of good behaviour and not to commit any crime. However, if during this period, the petitioner commits any crime, the present sentence will be revived. The petitioner is also burdened with costs of Rs.1000/- to be deposited before the trial Court or jail authorities.

The petition is partly allowed to the above noted extent.

20.07.2017

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No