

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

CRR No. 3045 of 2017 (O&M)

Date of Decision: 07.09.2017

CHHOTU RAM

...Petitioner

VS.

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Mr. Pawan Garg, AAG, Haryana.

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)

Heard.

Impugned in the present revision petition is the judgement dated 21.08.2017 passed by the learned Additional Sessions Judge, Kurukshetra affirming the judgment of conviction and order of sentence dated 09.04.2014 of learned Judicial Magistrate Ist Class, Pehowa vide which the present petitioner was convicted under Sections 279, 337 and 338 of Indian Penal Code and was sentenced as under: -

Under Section 279 IPC: The convict is to undergo rigorous imprisonment for a period of three months.

Under Section 337 IPC: The convict is to undergo rigorous imprisonment for a period of three months.

Under Section 338 IPC: The convict is to undergo rigorous imprisonment for a period of three months and to pay fine of ₹200/- and in case of non-payment of fine to further undergo rigorous imprisonment for two days.

However, all the sentences were directed to run concurrently.

Learned counsel for the petitioner presses the present revision petition only on the point of quantum of sentence and prays for releasing of the accused-petitioner on probation.

After perusing the custody Certificate dated 06.09.2017, it comes out that accused-petitioner has undergone the total sentence of 17 days including remissions.

Considering the fact that the maximum sentence, awarded by the Courts below, is three months and considering the fact that accused-petitioner is the first offender, I am of the view that present case is a proper case where the interest of justice should not be tampered with the beneficial provisions of the Probation of Offenders Act, 1958. As such, while maintaining the conviction under Section 279, 337 and 338 IPC, the sentence passed by the learned Judicial Magistrate Ist Class, Pehowa as upheld by the learned Additional Sessions Judge, Kurukshetra, is hereby set aside. Petitioner is ordered to be released on probation for a period of one year on his furnishing personal bonds in the sum of ₹10,000/- with one surety of the like amount to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Kurukshetra. Consequently, accused-petitioner, Chhotu Ram be released forthwith, if not required in any other case and furnish probation bond before learned Chief Judicial Magistrate, Kurukshetra within two weeks from the date of his release and submit compliance report to this Court.

During the period of probation, he will maintain peace and be of good behavior. The conviction will not be treated as a disqualification attached to conviction as per Section 12 of the Probation of Offenders Act, 1958.

The accused-petitioner is also ordered to pay a sum of ₹ 5,000/- as a compensation to the Arjan Singh, complainant.

In view of the above, the present revision is partly allowed.

September 7, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

		✓	
<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/ <i>No</i>
			✓
<i>Whether Reportable</i>	:	<i>Yes</i>	/ <i>No</i>