

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

**CRR 3427-2017 (O&M)  
Date of decision: 06.10.2017**

**Sunita Devi @ Hukmi Devi**

**.....Petitioner**

**versus**

**State of Haryana**

**.....Respondent**

**CORAM: Hon'ble Mr.Justice Kuldeep Singh**

Present: Mr.Sarfraj Hussain, Advocate for the petitioner  
Mr.R.K.Makkad, 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?*

**Kuldeep Singh, J. (Oral)**

Heard.

Learned counsel for the petitioner presses the present petition only on the quantum of sentence.

The petitioner was convicted vide judgment of conviction and order of sentence dated 11.6.2014 passed by learned Judicial Magistrate First Class, Yamunanagar at Jagadhri and sentenced as under:-

| <i><b>Sr.No.</b></i> | <i><b>Section(s)</b></i> | <i><b>Sentence</b></i> | <i><b>Fine</b></i>                                                                                                          |
|----------------------|--------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 1                    | 323 IPC                  | R.I. for six months    | No fine imposed                                                                                                             |
| 2                    | 353 IPC                  | R.I. for one year      | No fine imposed                                                                                                             |
| 3.                   | 332 IPC                  | R.I. for two years     | Rs.500/- (Rupees five hundred only). In default of payment of fine convict shall undergo further imprisonment for one month |
| 4                    | 186 IPC                  | S.I. for two months    | No fine imposed                                                                                                             |
| 5.                   | 290 IPC                  | ---                    | Rs.200/- (Rupees two hundred only). In default of payment of fine convict shall undergo further imprisonment for ten days.  |
| 6                    | 506 IPC                  | R.I. for six months    | No fine imposed                                                                                                             |

All the sentences were directed to run concurrently.

In appeal, learned Additional Sessions Judge, Yamunanagar at Jagadhri vide judgment dated 16.9.2017, while dismissing the appeal modified the order of sentence and reduced the Rigorous Imprisonment from two years to one year awarded under Section 332 IPC and Rigorous Imprisonment of one year to Rigorous Imprisonment for six months awarded under Section 353 IPC, while maintaining the sentence of fine, the sentence under Sections 323, 186, 290 and 506 IPC was kept intact.

Learned counsel for the petitioner has prayed for releasing the petitioner on probation.

Custody certificate dated 5/6.10.2017 filed in Court today and the same is taken on record. It shows that the petitioner has undergone the actual sentence of twenty two days. Petitioner is neither a previous convict nor any other case is pending against her.

In order to find out the background of the petitioner, it comes out that the petitioner, who is a widow, had gone to the office of the Superintendent of Police, Yamunagar and was present in the waiting room. According to the complaint of lady constable Neelam, accused was raising noise. She was asked to stop, on which, present petitioner got angry and slapped the said lady constable Neelam and also pulled her hairs and also abused her. In the occurrence, one gold ear ring and gold chain also fell down at the spot and could not be traced. Learned counsel for the petitioner has contended that the petitioner has gone there to pursue her complaint pending before Superintendent of Police and that she was not being heard properly. The allegations are of assaulting the lady constable, slapping her and pulling her. At that time other police officials and the lady staff was

also present and it cannot be expected that they had not retaliated.

Considering the background in which the petitioner visited the office of Superintendent of Police and that the occurrence took place in the waiting room and that the petitioner is the first offender, request for releasing her on probation is allowed. While maintaining the conviction of the petitioner under Sections 323, 353, 332, 186, 290 and 506 IPC, sentence imposed upon her is hereby set aside and she is ordered to be released on probation on her 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, Yamunanagar at Jagadhri for a period of one year with an undertaking to maintain peace and be of good behaviour, failing which, the petitioner shall surrender before the lower Court to undergo the remaining part of the sentence. Petitioner be released forthwith, if not required in any other case and directed to furnish probation bonds within two weeks thereafter. As provided under Section 12 of Probation of Offenders Act, 1958 the conviction of the petitioner shall not be treated as disqualification for any purpose.

Revision is partly allowed.

**06.10.2017**

*gk*

**(Kuldip Singh)**  
**Judge**

|                             |     |
|-----------------------------|-----|
| Whether speaking/ reasoned: | Yes |
| Whether Reportable:         | No  |