

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR 3638-2017(O&M)
Date of decision: 31.10.2017

Dheeraj minor through his natural guardian and father Jagdish
.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.P.R.Yadav, Advocate for the petitioner
Mr.Pawan Garg, Assistant 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)

Petitioner is a juvenile offender and vide judgment of conviction dated 14.10.2016 and order of sentence dated 15.10.2016 was convicted by the Principal Magistrate, Juvenile Justice Board, Narnaul under Section 323 and 452 IPC and was directed to perform community service like brooming, mopping, providing drinking water to the patients, doctors and taking care of patients, etc. for a period of six months starting from 18.10.2016. In appeal, learned Additional Sessions Judge, Narnaul vide order dated 26.9.2017 reduced the period of said community service from six months to two months.

The short prayer made before this Court is to release the petitioner on probation by keeping in view the fact that he is young offender and that his career will be at stake in case disqualification of the conviction is attached to his personal record. It is stated that the petitioner is not a

previous convict nor it is stated so by the Courts below.

Considering that the petitioner was not the previous convict and convicted under Sections 323 and 452 IPC, I am of the view that the petitioner must be given a chance to reform himself. Therefore, while maintaining the conviction under Sections 323 and 452 IPC, sentence passed by both the Courts below upon the petitioner is hereby set aside and instead he is ordered to be released on probation under Section 5(1) of the Probation of Offenders Act, 1958 on his furnishing probation bonds in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of learned Chief Judicial Magistrate, Narnaul, for a period of one year with an undertaking to maintain peace and be of good behaviour, failing which, the order passed by the Courts below shall become operative. Probation bonds be furnished within two weeks from the date of receipt of a certified copy of this order. The petitioner is also burdened with the litigation costs of Rs.10,000/-, to be deposited before the trial Court. It is further directed that 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.

With above observations, the present revision petition is partly allowed.

31.10.2017
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No