

240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.4164 of 2017 (O&M)
Date of decision : November 17, 2017

Dharam Singh Petitioner

Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Shubhankar Baweja, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, 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)

Custody certificate of petitioner has been filed in the Court today and the same is taken on record.

Petitioner was convicted and sentenced by the learned Judicial Magistrate 1st Class, Kurukshera, vide judgment of conviction dated 28.10.2014 and order of sentence dated 29.10.2014 as under:

Sr. No.	Offence	Imprisonment	Fine, if any
1	323 IPC	R.I. for 3 months	--
2	324 IPC	R.I. for 6 months	₹1,000/-
3	506 IPC	R.I. for six months	--

However, the learned Addl. Sessions Judge, Kurukshetra, vide judgment dated 08.11.2017, while deciding the appeal modified the sentence awarded to the petitioner for the commission of offences punishable under Sections 324 and 506 IPC reduced it to the rigorous imprisonment for 3 months on each count. However, sentence of fine imposed for the commission of offences under Section 324 IPC as well as

the remaining part of the sentence awarded for the commission of offence

under Section 323 IPC was maintained. All the sentences were directed to run concurrently.

The short prayer made before this Court is that the petitioner is the first offender and a retired government employee and he should be released on probation.

A perusal of the custody certificate shows that the petitioner is in custody for the last nine days. He is not a previous convict nor any other case is pending against him.

Considering the entirety of the facts and circumstances of the case, while maintaining the conviction of the petitioner for the commission of offences punishable under Sections 323, 324 and 506 IPC, the sentence awarded to him is set aside and he is ordered to be released on probation on his furnishing probation bonds in the sum of ₹25,000/- with one surety of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kurukshetra 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 trial Court to undergo the remaining part of the sentence. Petitioner be released forthwith, if not required in any other case and is 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.

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

(KULDIP SINGH)
JUDGE

November 17, 2017

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Whether speaking / reasoned: Yes Whether Reportable: No