

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 1945 of 2015 (O&M)
Date of decision : December 01, 2018

Harpreet Sharma

....Petitioner

versus

State of Punjab and another

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Amit Shukla, Advocate, for the petitioner

Mr. C.L. Pawar, Sr. DAG, Punjab for respondent no.
1/State

Mr. Gagandeep Singh Chhina, Advocate, for respondent
no. 2

Fateh Deep Singh, J. (Oral)

Revisionist Harpreet Sharma along with Ramesh Chander and Amarjit Kaur were tried in a case bearing FIR No. 162 dated 1.10.2008, under Sections 498-A, 120-B IPC, Police Station Dhuri, District Sangrur and through its judgment order dated 10.10.2011 the court of learned Sub Divisional Judicial Magistrate, Dhuri acquitted accused Ramesh Chander and Amarjit Kaur for all the offences and

Harpreet Sharma was found guilty for only commission of offence under Section 498A IPC and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs 2000/- and in default of payment of fine, to further undergo RI for one month. The convict aggrieved over this finding filed an appeal against his conviction and at the same time the complainant wife Sonia Sharma too filed another appeal against the acquittal. It is through a common judgment dated 20.3.2015, the court of learned Additional Sessions Judge, Sangrur dismissed the appeal of the complainant Sonia Sharma as well as of accused Harpreet Sharma.

Still unsatisfied the convict had come up in this criminal revision with the aid of Section 401 Cr.P.C. before this Court in this revision.

Mr. Amit Shukla, learned counsel for the petitioner revisionist at the very onset has submitted that the petitioner has been found guilty under Section 498-A IPC and sentenced to undergo RI for one year and out of which he has already undergone sufficient incarceration. It is contended that the petitioner is suffering pangs of this prosecution since 2.8.2008 and thus for almost ten years the Sword of Damocles is hanging over his head. The petitioner over this period has advanced in age. Being a labourer on account of injury as argued is unable to move about much and had

remained confined to bed and thus prayed for showing leniency by way of grant of concession of probation.

Though the learned State counsel assisted by Mr. Gagandeep Singh Chhina, Advocate, for complainant/respondent No. 2 does not disputes the fact of this long suffering by the petitioner but has opposed the grant of the concession of probation on the grounds that he had ill-treated his wife and therefore, is not entitled to any concession.

Appreciating the submissions for more than 10 long years the petitioner had been suffering for this and by now must have grown old infirm and as is submitted and unrebutted by the State is a labourer and has remained confined to bed and thus has suffered sufficiently on account of such a remiss towards his own spouse. It is further worth while to note here that none of the courts below in view of sentence of imprisonment so awarded had ever considered grant of concession in terms of Section 360 Cr.P.C. which is legislated for the first time offenders with a view to ensure that they are not sent behind the bars and where they may go awry from the path of rectitude and become hardened criminals. Keeping in view all the circumstances, this Court finds it to be a fit case for releasing the petitioner on probation. Accordingly, the petitioner is ordered to be released on probation of good conduct on furnishing probation

bond to the satisfaction of learned trial Magistrate in the sum of Rs 10,000/- with one surety of like amount upon undertaking to appear and receive sentence whenever called upon during the period of one year and in the meantime to keep peace and be of good behaviour. The petitioner is also directed to deposit a sum of Rs 20,000/- with the trial court which shall be paid to complainant/wife by the trial court after giving due notice to her. The fine amount imposed by the courts below shall be treated as cost of the proceedings. If probation bond is not furnished and full compliance made within two months, on receipt of copy of this order, the instant revision petition shall be deemed to have been dismissed.

With modification in sentence as aforesaid, the revision petition stands disposed of accordingly.

December 01, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No