

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

**CRR-3426-2014 (O&M)
Date of decision: 16.01.2018**

Anil

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Narender Kaajla, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Challenge in this revision petition is to the judgment of conviction dated 03.08.2013 passed by the trial Court and judgment dated 03.09.2014 passed by the appellate Court.

Brief facts of the case are that the appellant Anil along with co-accused Satyawar faced trial in FIR No.340 dated 30.08.2007 under Sections 323, 325, 34 of the Indian Penal Code (for short 'IPC'), registered at Police Station Sadar Bhiwani. The trial Court vide its judgment dated 03.08.2013 held the petitioner as well as co-accused Satyawar guilty of offences punishable under Section 323 and 325 read with Section 34 IPC and vide order of sentence dated 05.08.2013, sentenced them to undergo simple imprisonment for a period of two years and to pay a fine of Rs.2,000/- each under Section 325/34 IPC and simple imprisonment for a

period of one year under Section 323/34 IPC.

The petitioner as well as his co-accused Satyawar filed appeal before the appellate Court challenging the judgment of conviction and order of sentence. The appellate Court, vide its impugned judgment dated 03.09.2014, taking into consideration the arguments raised on behalf of the petitioner and co-accused Satyawar and considering that they are first offenders and should be given a chance to reform, released them on probation of good conduct on furnishing probation bonds in the sum of Rs.30,000/- with one surety of like amount for a period of one year and during this period, to keep the peace and good behaviour, they were directed to pay compensation of Rs.10,000/- each to the complainant-injured.

Petitioner-Anil has filed the present revision petition primarily on the ground that he is a govt. servant, working as Clerk in a Govt. School.

Counsel for the petitioner submits that the petitioner has already undergone the period of probation of one year awarded vide impugned judgment dated 03.09.2014 and during this period or even subsequent thereto, he is not involved in any other case/FIR. Counsel for the petitioner further submits that the petitioner is maintaining peace and good behaviour and he has already paid the amount of compensation of Rs.10,000/- to the complainant-injured.

Counsel for the petitioner has relied upon a judgment of this Court in **Paramjit Singh Vs. State of Haryana, 2011 (2) RCR (Crl.) 855**, wherein this Court, in similar circumstances, released an accused person on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958 (for short 'Act of 1958') and further directed that since the

accused has been released on probation, this may not affect his service career in view of Section 12 of the Act of 1958. It is thus submitted on behalf of the petitioner that since the petitioner is a govt. servant, the probation awarded by the appellate Court under Section 4 of the Act of 1958, may not affect his service career.

Learned State counsel, in reply, has not disputed the factual position regarding the sentence/probation awarded by the Courts below.

After hearing learned counsel for the parties, I find merit in the present revision petition. Since learned counsel for the petitioner has restricted his arguments limited to the extent that the petitioner may also be granted the similar relief in the light of **Paramjit Singh's** case (supra), it is ordered that the petitioner, who has been released on probation by the appellate Court vide judgment dated 03.09.2014, the order releasing him on probation will not affect his service career in view of Section 12 of the Act of 1958.

With the aforesaid modifications, present revision petition stands disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.01.2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No