

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

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CRR-4913-2016
Date of Decision:07.12.2018

VIRENDER SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vaibhav Parashar, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Rishav Jain, Advocate
for respondent No.2.

MANOJ BAJAJ, J.(ORAL)

The complainant has challenged the judgment dated 12.09.2016 whereby the Appellate Court has maintained the conviction of respondent No.2 as recorded by the learned trial Court on 19.03.2016 for the offences punishable under Sections 323, 325 and 506 of the Indian Penal Code ('Act' – for short) but modified the sentence by extending the benefit of probation. The prosecution arises from FIR No.281 dated 05.09.2009 under Sections 323, 325 and 506 IPC, Police Station City Palwal.

The Appellate Court after considering the age and disability of the accused proceeded to extend the benefit of probation and released him by fixing 6 months as probation period. At the same time, the Appellate Court had awarded a compensation of Rs.30,000/- to the victim (petitioner).

It is not disputed that the probation period is over.

Learned counsel appearing on behalf of the petitioner has contended that the concession extended by the Appellate Court is not justifiable considering the nature of injuries suffered by him and prayed for restoration of the sentence awarded by the learned trial Court.

I have heard learned counsel for the parties and with their able assistance, I have perused the impugned judgment passed by the Appellate Court. The relevant portion of the judgment is extracted as below:-

“After having heard both the sides, I am of the view that it is a fit case where the benefit of probation of Offenders Act can be extended to the appellant-accused. He should be given opportunity to mend his ways. Sending the appellant behind the bars will not only spoil his life but would also be disastrous to his family. He is not the previous convict and suffering the agony of trial since the year 2009. He is 35 years of age. He is handicap, having three minor children beside old parents to support. Keeping in view the nature of the offence committed and the antecedents of the appellant-accused, he is entitled to be released on probation of good conduct instead of sentencing him to undergo any punishment.

Resultantly, the order of sentence is modified and the appellant is ordered to be released on probation of good conduct on his furnishing bonds in the sum of Rs.25,000/- with one surety in the like amount for a

period of six months. He is further directed to keep peace and be of good behaviour during the aforesaid period, failing which he shall make himself available to receive the sentence as and when called upon. The appellant is also directed to pay a sum of Rs.30,000/- as compensation which shall be paid to the injured Virender Singh which shall be deposited in the State exchequer. With these modification in the order of sentence, the appeal is dismissed. The amount of Rs.2,000/- already deposited by the appellant/accused as fine shall be treated as costs of proceedings.”

A reading of the above would indicate that the Appellate Court has extended the concession after considering the entire attending circumstances and the relations between the parties. The concession is given on the sound judicial principles and do not warrant any interference at this stage.

Accordingly the present petition is dismissed.

07.12.2018
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No