

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

CRR-2515-2018

Date of Decision: 01.08.2018

RAJIV KUMAR

...Petitioner

vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

ARVIND SINGH SANGWAN,J

Counsel for the petitioner submits that petitioner-Rajiv Kumar alongwith other 09 co-accused, except accused Rinku and Sandeep, were granted benefit of Probation, subject to furnishing Probation bonds in the sum of Rs.10,000/- with one surety, for a period of one year. The aforesaid two accused Rinku and Sandeep were found guilty of offences punishable under Sections 419, 420, 467, 468, 471, 473 IPC read with Section 120-B IPC and sentenced to undergo rigorous imprisonment for 02 years on each of the counts of charges and all the sentences to run concurrently.

Counsel for the petitioner has submitted that the period of probation of one year has already lapsed and the petitioner has not misused the concession of probation granted by the trial Court. Counsel further submits that the petitioner is an educated person and has passed his B.Tech and is preparing for his competitive examination for procuring a government job.

Counsel for the petitioner has relied upon 2011 (2) R.C.R. (Criminal) 855, Paramjit Singh vs. State of Haryana, wherein this Court while granting probation to a similarly situated person has held that the accused who was released on probation, the order of granting probation will not effect his service career in view of Section 12 of the Probation of Offenders Act. He further submits that the petitioner is the first offender and is a young man and subsequent to registration of FIR, he has not repeated any such offence and has already completed the period of probation as awarded by the trial Court.

Learned State counsel has no serious objection to the same.

In view of the same, the present petition is disposed of with the observation that the release of petitioner on probation for one year, in terms of judgment of conviction dated 10.01.2017 and the order of sentence dated 13.01.2017, passed by the trial Court may not affect his service career in view of Section 12 of the Probation of Offenders Act.

In view of the abovesaid observation, petition is disposed of.

01.08.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No.
Whether Reportable : Yes/No