

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 1145 of 2007 (O&M)
Date of decision : May 06, 2019

Baljit Singh

....Petitioner

versus

Balwinder Kaur

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Kewal Singh, Advocate, for the petitioner
Mr. Simranjeet Singh, Advocate, for the respondent

Fateh Deep Singh, J. (Oral)

Complainant now respondent Balwinder Kaur filed a criminal complaint bearing No. 91/1 of 17.2.1997, under Sections 406, 498-A read with Section 34 IPC against Baljit Singh, Harpreet Singh, Joginder Singh and Sarabjeet Kaur. After pre-summoning evidence, only Baljit Singh and Joginder Singh were summoned to face trial. Vide judgment order dated 10.3.2005 the court of learned Judicial Magistrate Ist Class, Ludhiana acquitted accused Joginder Singh for all the offences and accused Baljit Singh was found guilty

for commission of offence under Section 498A IPC and sentenced to undergo imprisonment for one year and to pay a fine of Rs 500/- and in default of payment of fine, to further undergo RI for 15 days under Section 498-A IPC. The convict aggrieved over this finding filed an appeal against his conviction. It is through judgment dated 9.7.2007 the court of learned Additional Sessions Judge, Fast Track Court, Ludhiana dismissed the appeal of the convict.

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. Kewal Singh, 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 maximum imprisonment for one year and out of which he has already undergone three months. It is contended that the petitioner is suffering pangs of this prosecution since the year 1997 and thus for more than 22 years the Sword of Damocles is hanging over his head. The petitioner over this period has advanced in age and thus prayed for showing leniency by way of grant of concession of probation.

Though Mr. Simranjeet Singh, learned counsel for the respondent 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 22 long years the petitioner had been suffering for this and by now must have grown old 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 including the compromise effected between the parties, 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 20,000/- 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 fine amount imposed by the courts below shall be treated as cost of the proceedings. If probation bond is not

furnished within one month, 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.

May 06, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No