

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

**Criminal Revision No. 141 of 2008 (O&M)**  
**Date of decision : May 06, 2019**

Pardeep Kumar alias Banti

....Petitioner

versus

State of Haryana

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

Present : Mr. OPS Tarwar, Advocate, for the petitioner  
Mr. Ripu Daman Singh, AAG, Haryana for the State

**Fateh Deep Singh, J. (Oral)**

Revisionist Pardeep Kumar @ Banti along with Sunita Devi @ Bachno Devi and Ved Parkash were tried in a case bearing FIR No. 274 dated 3.11.2001, under Sections 406, 498-A IPC, Police Station Pehowa, District Kurukshetra and vide judgment order dated 4.9.2006 the court of learned Sub Divisional Judicial Magistrate, Pehowa found them guilty for commission of offence under Section 498A IPC and sentenced to undergo imprisonment for one year each and to pay a fine of Rs 500/- and in default of payment of fine, to further undergo RI for one month each. The convicts aggrieved over

this finding filed an appeal against their conviction. It is through judgment dated 17.1.2008, the court of learned Sessions Judge, Kurukshetra dismissed the appeal with modification on the quantum of sentence qua convicts Ved Parkash and Sunita Devi alias Bachno Devi releasing them on probation.

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

Mr. OPS Tanwar, 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 17 days. It is further submitted that the co-accused of the petitioner have already been released on probation by learned Sessions Judge, Kurukshetra vide orders dated 17.1.2008. It is contended that the petitioner is suffering pangs of this prosecution since 3.11.2001 and thus for more than 17 years the Sword of Damocles is hanging over his head. The petitioner is the first offender and thus prayed for showing leniency by way of grant of concession of probation.

Though the learned State counsel 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 17 long years the petitioner had been suffering for this 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