

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

CRR-1101-2009 (O&M)
Date of decision : 04.09.2019

State through Junior Engineer

...Petitioner

Versus

Harbans Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Grover, Advocate for the petitioner.

Mr. Dinesh Nagar, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

State is in revision petition against the order passed by the Appellate Court releasing the appellants on probation under Section 4(1) of the Probation of Offenders Act on their furnishing bonds in the sum of ₹50,000/- each with one surety in the like amount, for a period of one year with an undertaking to keep peace and be of good behaviour as well as to appear in the Court to receive sentence whenever called upon during the said period.

Respondents were convicted and sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹5,000/- each.

As noticed above, in appeal they were released on probation.

This Court has heard learned counsel for the parties at length and with their able assistance gone through the judgments passed by the Courts below and the record.

Learned counsel contends that the respondents have been

released on probation, although they had committed offence. He further submits that plots carved out by the respondents thus stand regularized merely on being released on probation.

This Court has considered submissions.

As regards first argument, it may be noted that releasing on probation is a discretion available with the Court except in heinous offences under Section 360 Cr.P.C., as also as per the provision of Probation of Offenders Act, 1958. The discretion is conferred on the Court to be exercised in appropriate cases. In the facts of the present case, learned Court of Session while hearing the appeal has chosen to exercise that discretion.

Learned counsel could not draw attention of the Court to any fact indicating towards wrong exercise of discretion.

As regards second argument, it may be noticed that merely by releasing the respondents on probation, the alleged colony carved out by them does not result in regularization of a illegal colony, therefore, the argument of learned counsel is fallacious.

Respondents were released on probation vide order dated 17.11.2008. There are no assertion that respondents did not comply with the undertaking filed by them pursuant to the order of the Court. Hence, no ground to interfere.

Accordingly, the present revision petition is dismissed.

04.09.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No