

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

**Criminal Revision No. 3008 of 2014 (O&M)**  
**Date of decision : September 06, 2019**

Gurpreet Singh

....Petitioner

versus

State of Haryana

....Respondent

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

Present : Mr. Tarun Veer Vashist, Advocate, for the petitioner

Mr. Amrik Narwal, DAG Haryana for the State

Ms. Kusum Raj, Advocate for  
Mr. SS Sahu, Advocate, for the complainant

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

Revisionist Gurpreet Singh was tried in a case bearing FIR No. 326 dated 13.8.2009, under Sections 354, 451 IPC, Police Station Ratia, District Fatehabad and through its judgment order dated 11/12.8.2011, the court of learned Sub Divisional Judicial Magistrate, Ratia convicted the petitioner under Sections 354, 451 IPC and sentenced him to undergo rigorous imprisonment for one year and to pay a fine of Rs 1000/- and in default of payment of

fine, to further undergo RI for one month under Section 354 IPC. The petitioner was further sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs 1000/- and in default of payment of fine, to further undergo RI for one month under Section 451 IPC. The convict aggrieved over this finding filed an appeal against his conviction and vide judgment dated 12.9.2014, the court of learned Additional Sessions Judge-I, Fatehabad dismissed the same.

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. Tarun Veer Vashist, learned counsel for the petitioner revisionist at the very onset has submitted that the petitioner has been found guilty under Sections 354, 451 IPC and sentenced to undergo maximum RI for one year and out of which he has already undergone incarceration of 07 months and 08 days. It is contended that the petitioner is suffering pangs of this prosecution since 13.8.2009 and thus for more than ten years the Sword of Damocles is hanging over his head. The petitioner is the first time 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 tried to outrage the modesty of a woman and therefore, is not entitled to any concession.

Appreciating the submissions for more than ten long years the petitioner had been suffering for this and has also undergone substantial period of incarceration. 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, 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 two months, 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.

**September 06, 2019**  
**'tiwana'**

**( Fateh Deep Singh )**  
**Judge**

*Whether speaking/reasoned ?*  
*Whether Reportable ?*

*Yes/No*  
*Yes/No*