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

CRR-981-2021 (O&M)

Date of decision : 13.09.2021

Jitender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Challenge in the present Criminal Revision petition is to the judgment dated 26.07.2021 passed by the Sessions Judge, Panipat and the judgment and order on quantum of sentence dated 27/28.08.2018 passed by the Judicial Magistrate Ist Class, Panipat, whereby the petitioner had been held guilty for the commission of offence punishable under Sections 323, 324, 342, 506 of the Indian Penal Code, 1860.

Learned counsel for the petitioner, at the outset, has submitted that the petitioner is satisfied with the judgment dated 26.07.2021 passed by the Sessions Judge, Panipat vide which the conviction of the petitioner was upheld and the sentence awarded was modified that the petitioner alongwith one Ravinder were ordered to be released on probation under Section 4 of

the Probation of Offenders Act, 1958 (hereinafter to be referred as “the Act of 1958”) read with Section 360 of the Code of Criminal Procedure, subject to their entering into the probation bonds in the sum of Rs.50,000/- each with one surety in the like amount each, without supervision, for a period of 2 years and to keep peace and be of good behaviour in the meantime. The petitioner was further directed to pay a compensation to the tune of Rs.25,000/- before the trial Magistrate which was to be deposited under the relevant head of the Government Treasury. Further direction was issued that the compensation so deposited was to be disbursed to the complainant-injured Rajan after issuing notice to him by the learned trial Court.

Learned counsel for the petitioner has submitted that the said order was to be complied with till 10.08.2021 failing which the appeal was to be dismissed in toto. He has further submitted that on 10.08.2021, the mother of the petitioner was suffering from ailments and thus, the compliance could not be made till 10.08.2021. However, immediately thereafter on 12.08.2021, the petitioner had filed an application for granting him the permission to deposit the compensation as well as to comply with the order dated 26.07.2021. However, the Sessions Judge, Panipat vide order dated 19.08.2021 had rejected the said application.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the State and has submitted that although there is a mistake on the part of the petitioner and there is some delay on his part also in complying with the order dated 26.07.2021 but in the interest of justice and in the facts and circumstances of the case, he has

no serious objection in case the petitioner is granted one week time to comply with the order dated 26.07.2021.

Learned counsel for the State has, however, opposed that since the judgments of both the Courts below are well reasoned, thus, they should not be interfered with, since the order of conviction has been rightly passed and thus, the same should not be set aside.

This Court has heard the learned counsel for the parties and is of the view that the judgments of both the Courts below are well reasoned, as far as the conviction of the petitioner is concerned and thus, the same are upheld. Moreover, learned counsel for the petitioner has not even challenged the aspect with respect to conviction of the petitioner and has very fairly stated that the judgments are well reasoned and thus, call for no interference. The directions as mentioned in para 15 of the judgment dated 26.07.2021 passed by the Sessions Judge, Panipat are reproduced hereinbelow:-

“15. Resultantly, the appeal is dismissed so far as the point of conviction of the appellants-convicts is concerned, except with the modification in the order on the quantum of sentence. The order of sentence is modified. Instead of immediate imprisonment, the appellants-convicts are ordered to be released on probation under Section 4 of the Probation of Offenders Act, 1958 read with Section 360 of the Code of Criminal Procedure, subject to their entering into probation bonds in the sum of Rs.50,000/- each with one surety in the like amount each, without supervision, for a period of two years and to keep peace and be of good behaviour in the mean time. Appellants-convicts are further directed to pay a compensation to the tune of Rs.25,000/-

each i.e. a total compensation of Rs.50,000/- before the learned Trial Magistrate which would be deposited under the relevant head of the Govt. treasury. The amount of compensation be disbursed to complainant-injured Rajan, after issuing notice to him by the learned Trial Court. The requisite compliance be made on or before 10.08.2021 before the learned Trial/Duty Magistrate, failing which the appeal shall be deemed to be dismissed in toto.”

Although, the said directions were required to be complied with till 10.08.2021 but the same were not complied with, however, an application (Annexure P-1) was immediately moved by the petitioner for granting him the permission to deposit the compensation money and to comply with the order dated 26.07.2021 and in the said application, it was specifically stated that the mother of the petitioner was suffering from ailments and thus, the directions could not be complied with till 10.08.2021. Although, the said application had been dismissed but this Court is of the view that since the Sessions Judge, Panipat had himself found that the petitioner deserves to be released on probation under Section 4 of the Act of 1958, thus, this Court, in order to meet the ends of justice, finds that the said impugned order dated 26.07.2021 deserves to be modified only to the limited extent that instead of complying with the directions as mentioned in the order dated 26.07.2021 upto 10.08.2021, the petitioner be granted time upto 25.09.2021 to comply with the said order, thus, the present Criminal Revision Petition is disposed of by upholding the order dated 26.07.2021 passed by the Sessions Judge, Panipat with the slight modification that instead of complying with the directions as mentioned in order dated 26.07.2021 on or before 10.08.2021, the petitioner is directed to make the

requisite compliance on or before 25.09.2021. In case, the said compliance is made within the time prescribed, then benefit of probation which has been granted vide judgment dated 26.07.2021 would ensue to the petitioner.

It is, however, clarified that in case the compliance is not done on or before 25.09.2021, then the present petition would be deemed to have been dismissed and even the appeal filed before the Sessions Judge, Panipat would also be dismissed in toto.

CRM-29280-2021

This is an application filed under Section 389 of Cr.P.C. for suspension of sentence of applicant-petitioner namely Jitender, during the pendency of the revision petition.

However, in view of the fact that since the main revision petition has been disposed of, the present application for suspension of sentence has become infructuous and is disposed of as such.

13.09.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**