

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.227
CRR No.395 of 2023 (O&M)
Date of Decision : March 01, 2023

Balwinder Singh ...Petitioner
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Manish Kumar Singla, Advocate, for the petitioner.
Mr. Gurlal Singh Dhillon, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner has been convicted under Sections 279 & 338 IPC
and has been sentenced as follows:-

U/s	RI	Fine (Rs.)	In default
279 IPC	06 months	--	--
338 IPC	01 year	--	--

Sentences are to run concurrently.

Appeal against the judgment of conviction and order of sentence
has been dismissed and thus, the present revision has been filed.

Learned counsel for the petitioner has confined his prayer to
grant of probation for a period of one year keeping in view the fact that the
petitioner has undergone a protracted trial of about 09 years and is not a
habitual offender. Concession of bail has never been misused by him. He is
also the sole bread earner of the family.

Learned State counsel admits that the petitioner is a first offender
and that he has never misused the concession of bail.

FIR was registered on 21.08.2014 and judgment of conviction
was recorded on 06.03.2017. Appeal was dismissed on 19.01.2023. It is thus
evident that the petitioner has undergone a protracted trial of about 09 years.
He has been found guilty of driving a bus rashly and negligently and causing

has never misused the concession of bail. It is not in dispute that the petitioner is about 44 years of age and is the only bread earner of the family. The offence for which he has been convicted was committed during the course of his usual duties and was not a planned incident.

Section 360 of the Code of Criminal Procedure has been enacted to take care of situations as has arisen in the present case. According to this provision, regard being had to the age, character or antecedents of an offender and the circumstances in which the offence was committed, the Court may release the convict on probation of good conduct instead of sentencing him. The petitioner has been proved to be a person of good character with no criminal antecedents. He is 44 years of age and has family responsibilities. Offence was committed during the normal course of duty i.e. a road accident while driving a bus. Moreover, the petitioner has undergone prolonged criminal proceedings for a period of about 09 years and has suffered much. Thus, the interest of justice would be served if his sentence is reduced to probation for a period of one year.

Accordingly, the petition is allowed. It is directed that the petitioner be released on probation of good conduct for a period of one year and in the meantime to keep peace and be of good behaviour. Sentence imposed is set aside. The petitioner be released from custody on execution of the bond and furnishing of surety.

Pending miscellaneous application if any also stands disposed of.

March 01, 2023*Ankur***(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No