

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

CRR No.2251 of 2006 (O&M)
Date of decision: 23rd January, 2023

Dilbag Singh

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.N. Pillania, Advocate for the petitioner.

Mr. Surender Singh, Asst. Advocate General, Haryana
for respondent No.1/State.

None for respondent No.2.

MANJARI NEHRU KAUL, J.

Petitioner complainant is impugning the judgment and order passed by the learned Sessions Judge, Jind dated 29.07.2006, vide which the appeal preferred by the accused against his conviction by the learned trial Court vide order dated 01.10.2002 was upheld, however, the appeal was partly allowed on the point of sentence and the accused was ordered to be released on probation of good conduct for a period of two years. Besides, the accused was ordered to pay an additional amount of ₹5,000/- as cost of proceedings over and above the fine imposed by the trial Court.

Learned counsel for the petitioner has vehemently argued that the learned lower appellate Court had erred in extending the concession of probation to the respondent accused without appreciating

that there were serious allegations levelled against the accused of having picked up the minor daughter of the complainant from her house with an intention to kidnap her. Learned counsel submits that had the complainant not chanced to meet the accused on the way while he was carrying his minor daughter, there was every likelihood that she could have been exploited leading to her life getting ruined.

I have heard learned counsel for the parties and perused the relevant material on record.

I do not find any error in the impugned judgment vide which conviction of the accused was maintained and he was released on probation. Admittedly, the only allegations levelled against the accused are that the minor daughter of the complainant, who was 9 years of age, was picked up from her house and that too in the presence of her other family members, by being told that her father had called her in the fields. Still further, admittedly, no allegations were levelled that she had been forcibly picked up and further there was no evidence brought forth that any attempt to even molest the minor girl was made by the accused.

In the circumstances, more so when the occurrence in question took place on 24.10.1997 and the accused has undergone a protracted trial of 26 years, no useful purpose will be served to send him behind bars. Admittedly, he is not involved in any other case and has been leading a well disciplined life.

A prayer has been made by the learned counsel for the petitioner for granting some compensation to the victim.

Considering the peculiar facts and circumstances of the case, ends of justice would be met by directing the accused to deposit an amount of ₹ 10,000/- as compensation which would be paid to the victim or her legal representative. The said amount shall be deposited by the accused in the Court of Chief Judicial Magistrate/trial Court concerned within three months from today, which shall be disbursed to the victim or her LRs against proper receipt. Copy of the order be sent to concerned quarter as well as to respondent No.2 for compliance.

Disposed of.

(MANJARI NEHRU KAUL)
JUDGE

January 23, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No