

219 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRA-AS-91-2019 (O&M)  
Date of decision: 21.08.2024

STATE OF HARYANA

...APPELLANT

V/S

SONU @ SUNIL

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas Bhardwaj, AAG Haryana.

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HARPREET SINGH BRAR J. (ORAL)

CRM-15689-2024

This is an application under Section 5 of Limitation Act read with Section 482 of Cr.P.C. seeking condonation of delay of 76 days in filing the present appeal.

For the reasons mentioned in the application, same is allowed and delay of 76 days in filing the instant appeal is condoned.

CRA-AS-91-2019

1. The present appeal has been filed against the impugned judgment and order of sentence dated 23.08.2018/24.08.2018 passed by learned Additional Sessions Judge, Bhiwani whereby respondent-accused has been convicted under Section 12 of Protection of Children from Sexual Offences Act and has been sentenced to undergo the already undergone period of custody i.e. from 20.12.2016 to 24.01.2017 with a fine of Rs. 5,000/- with default mechanism.

2. The case of the prosecution, in brief, is that on 8.12.2016, complainant Sonu, aged about 17 years came to the Women Police Station, Bhiwani, along with her maternal uncle-Anil and maternal grandmother-Murti Devi, for lodging complaint. She stated that she was student of 12th Class in

Government School, Behal and she used to go to school along with two-three other girls in a van hired by her maternal uncle. She further stated that Sonu alias Sunil (accused-respondent herein), used to follow her along with some other boys. She further stated that respondent used to utter obscene words with intent to molest her. She told her maternal uncle Anil about the conduct of respondent. Her maternal uncle contacted the head of the village and tried to make the accused understand but he did not improve his behaviour. Accused-respondent intimidated her maternal uncle and stated that he had put his life at stake. Thereafter, accused threatened her that if she lodged complaint with her maternal uncle or any other family member, he would kill her family. Thereafter, her maternal uncle made a complaint in Police Station Behal, but no action was taken by the police against the accused and so she had come to the Women Police Station, Bhiwani.

3. Having heard the learned counsel for the appellant and after perusing the record of the case with his able assistance, it transpires that the respondent was found guilty vide the impugned judgment and sentenced as follows:

| Convict      | Offence Under Section                                 | Sentence                                                                                                                                                                                                                          |
|--------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sonu @ Sunil | 12 of Protection of Children from Sexual Offences Act | Awarded sentence to undergo the already undergone custody period by the accused-respondent i.e. from 20.12.2016 to 24.01.2017 and a fine of Rs. 5,000/- and in default of which further awarded simple imprisonment for ten days. |



4. The FIR in the present case was lodged on 08.12.2016 and the respondent has been suffering the agony of trial since the last about 8 years. It appears that the respondent-accused does not have any criminal antecedents. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society. A Co-ordinate bench of this Court in *Nasri v. State of Haryana 2023(2) Law Herald 2203*, speaking through Justice Arun Monga, made the following observations:

*“11.2. Objectives and principles of criminal law as envisioned in the provision ibid, apart from deterrence against committing crime against society, are inter-alia focused on the reformation of offenders, which inheres the concept of probation. Modern criminal justice system often aims to balance punishment with rehabilitation, emphasizing the potential for positive change in individuals who have committed crime. The goal of criminal law extends beyond mere punishment. While punishment serves to deter and hold individuals accountable for their actions, there is a growing recognition of the importance of addressing the underlying factors that contribute to criminal behaviour. This perspective emphasizes the potentials of offenders to reform and reintegrate into society as law-abiding citizens. Probation is one of the mechanisms used to achieve this reformation objective. In certain cases, certain offenders may be asked to remain under community supervision rather than being incarcerated. During such probation period, the offender can be put to follow certain conditions, such as regular reporting to a probation officer, participating in counselling or treatment programs and maintaining employment or education. The aim is to provide support, guidance and opportunities for the offender and to address the root causes of their criminal behaviour and develop positive life skills. Close monitoring and guidance provided during probation can help the offender make positive changes in their life and reduce the likelihood of re offending.”*

5. In view of the discussion above, this Court finds the impugned judgment and order of sentence dated 23.08.2018/24.08.2018 has been rendered in the right perspective. The findings recorded by the learned trial Court indicate no perversity which would inspire this Court to interfere and enhance the sentence award to the respondent. Accordingly, the present appeal is dismissed.

6. Pending miscellaneous application(s), if any, also stand disposed of.

**August 21, 2024**  
*Ajay Goswami*

**(HARPREET SINGH BRAR)**  
**JUDGE**

|      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |