

**CRR-982-2019 (O&M)****1****913 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRR-982-2019 (O&M)
Date of Decision: 27.09.2024****JASBIR SINGH SHEERA****.....Petitioner****Versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present: Mr. Amandeep Singh Manaise Advocate
for the petitioner.****Mr. Rishabh Singla, AAG Punjab.************HARPREET SINGH BRAR, J. (ORAL)**

1. The present revision is preferred against the judgment dated 28.03.2019 passed by the learned Additional Sessions Judge, Gurdaspur whereby the judgment of conviction and order of sentence dated 20.07.2017 passed by the Judicial Magistrate Ist Class, Batala has been upheld.

2. The prosecution story, in brief, is that on 08.10.2011 ASI Satnam Singh alongwith other police officials was on patrolling duty and was present at Adda Taragarh, where complainant Beena came and got recorded her statement to the effect that she is a house hold lady and her husband is doing labour work. On 08.10.2011, her husband had gone for his labour work and she was present at her house alongwith her daughter namely Sonia, aged about 11 years and two sons. Then at about 10 am, she had sent her daughter Sonia to the grocery store of their village, being run by accused Jasbir Singh @ Sheera

s/o Kartar Singh, for the purpose of bringing pulses. When she had not returned back for sometimes, then complainant had gone to the house of Jasbir Singh @ Sheera. The door of his house was closed. When she had peeped through the door, she had seen that her daughter Sonia was crying and accused Jasbir Singh was doing immoral acts with her. Upon hearing her noise, Jasbir Singh fled away from his house from back door. Her daughter had opened the door of his house and thereafter, complainant had brought her to police for giving information about the incident. After recording the statement of complainant, FIR was registered.

3. The learned trial Court, after assessing the material on record, charged the accused-petitioner for committing an offence under Section 354 of Indian Penal Code, to which he pleaded not guilty and claimed trial. Following trial, the petitioner was held guilty vide judgement dated 08.08.2016 and was awarded the following sentence vide order of even date of quantum of sentence by the learned trial Court: -

Offence	Sentence
Section 354 of IPC	Rigorous imprisonment for six months with fine of Rs. 2,000/- and in default of payment of fine, further awarded rigorous imprisonment for one month.

4. Aggrieved by the same, the convict preferred an appeal before the lower Appellate Court, which was dismissed vide judgment dated 28.03.2019.

5. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction and order of sentence dated 20.07.2017 on merits and restricts his prayer to modification of the order of



quantum of sentence to that of the release of the petitioner on probation of good conduct and urged the Court to take a lenient view of the matter as the petitioner has reformed and intend to live his life as law-abiding citizen.

6. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record which has also been upheld by the learned lower Appellant Court and as such, he does not deserve any leniency. However, he could not controvert the fact that the petitioner is not involved in any other case.

7. I have heard learned counsel for the parties and perused the paper book with their able assistance.

8. Section 3 and 4 of the Probation of Offenders Act empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. Similarly, Sections 360 and 361 of the Cr.P.C also empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. A two Judge Bench of the Hon'ble Supreme Court in **Som Dutt and others Vs. State of Himachal Pradesh (2022) 6 SCC 722** speaking through Justice Bela M. Trivedi, has held as under:-

“6....having regard to the fact there are no criminal antecedents against the appellants, the court is inclined to give them the benefit of releasing them on probation of good conduct. In that view of the matter, while maintaining the conviction and sentence



imposed on the appellants, it is directed that the appellants shall be released on probation of good conduct.....”

A two Judge Bench of the Hon’ble Supreme Court in **Lakhvir Singh Vs. State of Punjab (2021) 2 SCC 763** speaking through Justice Sanjay Kishan Kaul, has held as under:-

“6. We may notice that the Statement of Objects and Reasons of the said Act explains the rationale for the enactment and its amendments: to give the benefit of release of offenders on probation of good conduct instead of sentencing them to imprisonment. Thus, increasing emphasis on the reformation and rehabilitation of offenders as useful and self-reliant members of society without subjecting them to the deleterious effects of jail life is what is sought to be subserved.”

9. In view of the aforesaid facts and circumstances, the judgment passed by the learned Additional Sessions Judge, Gurdaspur awarding a substantive sentence of one year under Section 354 of IPC to the petitioner is upheld, however, having regard to the fact that the petitioner has no criminal antecedents, this court is inclined to give them the benefit of probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the petitioner, he is ordered to be released on probation of good conduct on furnishing a personal bond of Rs. 10,000/- each with a surety each of the like amount, and on further furnishing an undertaking to keep the peace and good behaviour for a period of one year, to the satisfaction of the concerned trial court within a period of two weeks. The petitioner shall remain under the supervision of the concerned Probation Officer(s) during the

aforesaid period. It is further directed that if the petitioner fail to comply with the said directions or commit breach of the undertaking given by him, he shall be called upon to undergo the sentence imposed upon him by the learned Additional Sessions Judge, Gurdaspur.

10. With the aforesaid directions, the instant petitions stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

27.09.2024
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No