

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3018-2011

Decided on 24.05.2024

Subhash Chand Katyal

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Gautam Dutt, Advocate and
Mr. Rohan Gupta, Advocate for the petitioner/revisionist

Mr. Chetan Sharma, DAG Haryana

Sandeep Moudgil, J.

(1). This petition under Section 401 CrPC has been filed by the petitioner against the judgment/order dated 05.10.2010 passed by the trial court vide which the petitioner has been held guilty under Section 420 IPC and sentenced to undergo RI for 2 years as well as the judgment dated 28.11.2011 passed by Sessions Judge, Ambala upholding the judgment/order of the trial court.

(2). Learned counsel for the petitioner has submitted that the petitioner is a first time offender and aged about more than 62 years. He submits that the petitioner is a government servant and is suffering from kidney ailment. Further, the petitioner has already undergone 29 days of custody out of 2 years of total sentence. Therefore, the petitioner deserves to be released on probation extending such benefit under Section 360/361 CrPC and Section 4 of the Probation of Offenders Act.

(3). Learned State counsel has opposed the prayer made on behalf of the petitioner by submitting that when petitioner was admitted to be a franchise

of QA International, then in that capacity, he used to issue ISO Certification 9001-2000 to different companies and as such, the complainant being affected person was issued fake certificate and was induced to part with huge amount by the petitioner.

(4). Taking into consideration the totality of the circumstances and the fact that the petitioner is a first-time offender and has no previous history and also that the petitioner is a government servant and that he is old and ailing patient with kidney disease, this revision petition is disposed of with a direction to the respondent-State to release the petitioner on probation under Section 360/361 CrPC and Section 4 of the Probation of Offenders Act.

(5). The revision is, accordingly, disposed of.

24.05.2024
V.Vishal

(Sandeep Moudgil)
Judge

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |