



CRR-2146-2017 (O&M)

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871 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2146-2017 (O&M)

Date of Decision: September 25, 2024

JAGTAR SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jagbir Singh Brar, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision is preferred against the judgment dated 04.05.2017 passed by the learned Additional Sessions Court, Kaithal whereby the judgment of conviction and order of sentence dated 23.12.2014/24.12.2014 passed by the Sub Divisional Judicial Magistrate, Gulha has been upheld.

2. The brief facts giving rise to the registration of present case were that on 05.02.2014, complainant Rupinder Kaur presented a complaint in the police station by alleging that on 03.02.2014, her family members had gone to village Bhagal in a marriage. At about 1.00 p.m she along with her niece Harvinder Kaur was present at the house. She was cleaning the courtyard, whereas her niece was inside the house. In the meantime, Jagtar Singh (petitioner herein) who was running the electric shop at the bus stand of village

Bhusla entered the courtyard of the house by jumping over the wall. He caught

hold of her arm and tried to lay down her with the intention to outrage her modesty. Complainant raised alarm by calling “*Bachao-Bachaon*” which attracted to her niece Harvinder Kaur and on seeing her Jagtar Singh fled away from the spot by jumping over the wall. The whole incident was narrated by her to her father Balbir Singh telephonically and also to the other family members. On the basis of this complaint a case under Sections 354-B and 452 IPC was registered. The investigation was conducted. Site plan was prepared. Statements of witnesses were recorded. Accused-petitioner was arrested. After completion of investigation, challan under section 173 Cr.P.C was presented before the Court for trial.

3. The learned trial Court, after assessing the material on record, charged the accused-petitioner for committing an offence under Sections 354-B and 452 of Indian Penal Code, to which he pleaded not guilty and claimed trial. Following trial, the petitioner was held guilty vide judgement dated 23.12.2014 and was awarded the following sentence vide order on quantum of sentence dated 24.12.2014 by the learned trial Court: -

Offence	Sentence
Section 354-B IPC	Rigorous imprisonment for three years with fine of Rs. 1000/- and in default of payment of fine, further awarded simple imprisonment for one months.
Section 452 IPC	Rigorous imprisonment for two years with fine of Rs. 500/- and in default of payment of fine, further awarded simple imprisonment for fifteen days.

4. Aggrieved by the same, the convict preferred an appeal before the lower Appellate Court, which was dismissed vide judgment dated 04.05.2017.



5. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction and order of sentence dated 23.12.2014/24.12.2014 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, Kaithal awarding a substantive sentence of 3 years under Sections 354-B and 452 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. 20,000/- 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 two years, 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, Kaithal.

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

(HARPREET SINGH BRAR)
JUDGE

25.09.2024
Ajay Goswami

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