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

CRR-1272-2018 (O&M)

Date of decision: 26.09.2024

Sandeep Singh alias Lalla

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment of conviction dated 25.01.2017 and the order of sentence of even date passed by learned Sub Divisional Judicial Magistrate, in FIR No.12 dated 25.01.2013 under Sections 354/509/506/323 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Raja Sansi, District Amritsar (Rural), vide which the petitioner was convicted under Sections 354/323/506/509 of IPC and sentenced to undergo rigorous imprisonment for a period of one year and to pay a total fine of Rs.4,000/- along with default mechanism, besides the judgment dated 14.02.2018 passed by the learned Additional Sessions Judge, Amritsar, whereas, the appeal filed by the petitioner also stood dismissed.

2. Brief facts of the case are that on 25.01.2013, the complainant boarded the Gill Bus from Gumtala Bypass at about 08:00 P.M. In the said bus, Sarabjit Kaur, Mini Sharma, who were posted at Government Elementary School, Jhander and Master Lakhwinder Singh, who was posted at Government Elementary School, Sagguyana were also travelling and when the said bus halted at Bus Stand Village Loharika, the accused/petitioner who was studying in Jagdev Kalan School in 10+2, along with some other passengers boarded the

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same bus. The complainant was seated on the left side of seat near rear door of the bus and the accused/petitioner stood close to her seat and when the bus moved just 1000 yards, he started using vulgar language while looking at her. On this, Sarabjit Kaur, Mini Sharma and Lakhwinder Singh, asked the accused/petitioner to stop using such vulgar language but he did not stop. When the complainant stood up to confront him, he touched her inappropriately and slapped her twice on her left face and thus, the FIR (*supra*) got registered.

3. Learned counsel for the petitioner submits that the judgment passed by learned trial Court is based on conjectures and surmises. It is further submitted that the petitioner does not have any criminal antecedents and he was studying in class 12th at the time of incident. He is facing trial for the last 11 years and therefore, learned trial Court ought to have considered the case of the petitioner for releasing him on probation under Section 361 Cr.P.C read with Sections 3 & 4 of the Probation of Offenders Act, 1958.

4. *Per contra*, learned State counsel supports the judgment passed by learned trial Court, while contending that the petitioner had misused and abused the process of law by giving false evidence on oath before the Court and therefore, he was rightly convicted and sentenced by learned Court below.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. Sections 3 & 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 & 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



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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....”

7. 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.”

8. In view of the aforesaid facts and circumstances, judgment passed by learned Sub Divisional Judicial Magistrate, Ajanala, convicting the petitioner, is upheld, however, having regard to the fact that there are no criminal antecedents against the petitioner and he has actually undergone sentence of 05 months 07 days out of total sentence of 01 year, 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, it is directed that he shall be released on probation for good conduct on furnishing a personal bond of Rs.10,000/- with surety 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 learned trial Court concerned. The petitioner shall remain under the supervision of the concerned Probation Officer 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 will be called upon to undergo the sentence imposed upon him by learned Sub Divisional Judicial Magistrate, Ajnala.

9. With the aforesaid directions, instant revision petition stands allowed.
10. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)

JUDGE

26.09.2024

Neha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No