



**213-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-2764-2019

Date of decision: 10.09.2024

Gurmeet Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Surbhi Yadav, Advocate for
 Mr. G.S. Sandhu, Advocate
 for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This revision petition has been preferred against the judgment of conviction dated 04.05.2018 and the order of sentence of even date passed by learned Sub Divisional Judicial Magistrate, Malout, in FIR No.18 dated 16.05.2016 under Sections 354/354-A/354-D/323/34 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Lakhewali, vide which the petitioner was convicted under Sections 354/354-D/354-A/323/34 of IPC and sentenced to undergo rigorous imprisonment for a period of 03 years and to pay a total fine of Rs.2,000/- along with default mechanism as well as judgment dated 04.09.2019 passed by the lower Appellate Court, whereby, the appeal filed by the petitioner stands dismissed.

2. Brief facts of the case are that on 11.05.2016, the complainant/prosecutrix was deputed for her Teaching Practice at Village Bhagsar in Government Senior Secondary School for Boys and after school hours, when she was going towards bus stand from school. At that time, Gurpreet Singh @ Pappi and Gurmeet Singh @ Taint (the petitioner herein)

were following her by passing filthy comments and when she objected,

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Gurpreet Singh @ Pappi caught hold of her by her arm and twisted the same and started doing obscene acts with her and the accused/petitioner also started teasing her and gave her a brick blow on the back side of her neck. Gurpreet Singh @ Pappi gave her fist blows on her right shoulder. Thereafter, she raised hue and cry and thereupon, her paternal uncle came at the spot and saved her and the accused persons run away from the spot and the FIR (*supra*) was 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 don't have any criminal antecedents. He is facing trial for the last 06 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



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 Additional Sessions Judge, Sri Muktsar Sahib, convicting the petitioner, is upheld, however, having regard to the fact that there are no criminal antecedents of the petitioner and he has actually undergone sentence of 07 months 15 days out of total sentence of 03 years, this Court is inclined to give him 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

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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 along with 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 remaining sentence imposed upon him by learned Additional Sessions Judge, Sri Muktsar Sahib.

9. With the aforesaid directions, instant revision petition stands disposed of.

10. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

10.09.2024*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No