

122

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-753-2025 (O&M)
Date of decision: 20.03.2025

Anil Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Naveen Kumar Kuhad, Advocate for
Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision is preferred against the judgment dated 03.02.2025 passed by the learned Additional Sessions Judge, Bathinda, vide which the appeal against judgment of conviction and order of sentence dated 30.08.2018 passed by the learned Judicial Magistrate 1st Class, Bathinda, in case bearing FIR No.37 dated 19.03.2012 under Sections 419/420/465/468/471 of IPC, have been upheld. The petitioner was sentenced as under:

Offence	Sentence
Section 419/120-B of IPC	Rigorous Imprisonment for 02 years and a fine of Rs.500/-, in default of which simple Imprisonment for 01 month.
Section 420/120-B of IPC	Rigorous Imprisonment for 02 years and a fine of Rs.500/-, in default of which simple Imprisonment for 01 month.
Section 465/120-B of IPC	Rigorous Imprisonment for 02 years and a fine of Rs.250/-, in default of which simple Imprisonment for 07 days.
Section 467/120-B of IPC	Rigorous Imprisonment for 02 years and a fine of Rs.500/-, in default of which simple Imprisonment for 01 month.
Section 468/120-B of IPC	Rigorous Imprisonment for 02 years and a fine of Rs.500/-, in default of which simple Imprisonment for 01 month.
Section 471/120-B of IPC	Rigorous Imprisonment for 02 years and a fine of Rs.250/-, in default of which simple Imprisonment for 07 days.

It was ordered that all sentences shall run concurrently.

**CRR-753-2025 (O&M)****-2-**

2. The FIR (*supra*) was registered on the written complaint of Sh. Gurbir Singh, Additional Sessions Judge, Bathinda, to SSP, Bathinda for taking action against accused for impersonation by some person as Amandeep Kumar as surety for Arjun Singh in case bearing FIR No.555 dated 16.12.2010 under Section 18 of the NDPS Act. It is further alleged that in the above mentioned case, Arjun Singh, was ordered to be released on bail by learned Judge, Special Court, Bathinda under the NDPS Act on furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Area/Duty Magistrate. Thereafter, one, Amandeep Kumar furnished surety bond which was attested by Anil Kumar (the petitioner herein) son of Bishan Dass, and the same was furnished before the CJM, Bathinda. Further, on 27.05.2011, the accused-Arjun Singh, absented from the Court and his bail was cancelled and notice to his surety, namely, Amandeep Kumar, was issued. Amandeep Kumar along with his counsel appeared in the Court on 25.08.2011 and submitted that he did not stand surety for Arjun Singh and the surety bond did not bear his signatures and the property attached with the surety bond was already sold by him on 22.08.2005. All the documents produced in the Court did not belong to him. Thus, some unknown person had impersonated as Amandeep Kumar and on the basis of forged documents, Arjun Singh was released on bail. Thereafter, the FIR (*supra*) got registered and accused/petitioner-Anil Kumar was arrested and during investigation, it has been revealed that co-accused-Rakesh Kumar @ Rinku impersonated himself as Amandeep Kumar and he was arrested on 21.06.2014.

3. After assessing the material available on record, the learned trial Court convicted the petitioner vide judgment dated 30.08.2018. Aggrieved by



CRR-753-2025 (O&M)

-3-

the same, the petitioner preferred an appeal before the learned lower Appellate Court, which was dismissed vide judgment dated 03.02.2025.

4. Learned counsel for the petitioner submits that he is not assailing the impugned judgment of conviction dated 30.08.2018 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the release of the petitioner on probation in view of his age and good conduct.

5. Learned State counsel does not object to the restricted prayer of the petitioner, so long as the conviction of the petitioner is upheld.

6. Having heard the learned counsels for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is 35 years of age and he has undergone the actual sentence of 03 mnonths and 22 days out of total sentence of 02 years.

7. Section 3 and 4 of the Probation of Offenders Act, 1958 empowers the Courts to release the convicts if deemed appropriate in view of circumstances of the case. Similarly, Sections 360 and 361 of the Cr.P.C also allows the Courts to release convicts on probation for 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.”

8. In view of the facts and circumstances of the case, the instant revision petition is disposed of in the following terms:

1)The judgment dated 03.02.2025 passed by the learned Additional Sessions Judge, Bathinda, confirming the conviction of the petitioner is upheld.

2)The order of sentence dated 30.08.2018 passed by the learned Judicial Magistrate 1st Class, Bathinda, is modified to the extent of granting the concession of probation to the petitioner for good conduct.

3)The petitioner shall be released on probation for good conduct on furnishing a personal bond of Rs.10,000/- with a surety for the same amount, after furnishing an undertaking to keep the peace and good behaviour for the remaining period of his sentence to the satisfaction of the concerned trial court.

4)The petitioner shall remain under the supervision of the concerned Probation Officer during the aforesaid period. If the petitioner fails to comply with the said directions or commit breach of the undertaking rendered by him, he shall be called

upon to undergo the sentence imposed upon them by the learned trial Court.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.03.2025
Neha

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