



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

291

CRR No.1715 of 2008 (O&M)
Date of Decision: 18.08.2025

Pala Ram

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Rahul Singh, Advocate for
Mr. Virender Singh Punia, Advocate for the petitioner.

Mr. Ved Parkash, Sr, DAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

1. The petitioner in this case is a convict who has been held guilty for the commission of offence punishable under Sections 353, 186 and 379 IPC and sentenced to undergo imprisonment as under, by the Court of learned Judicial Magistrate Ist Class, Kaithal.

Under Sections	Sentence	Fine	In default of payment of fine
353 IPC	Rigorous imprisonment for 2 years	-----	-----
186 IPC	-----	Rs.500/	To further undergo imprisonment for 7 days
379 IPC	Rigorous imprisonment for 2 years	----	----

2. The appeal against the abovementioned judgment did not find favour in the Court of learned Sessions Judge, Kaithal and the same was dismissed by virtue of judgment dated 22.08.2008. However, appeal regarding



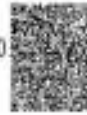
order of sentence was partly accepted and sentence of rigorous imprisonment for two years, for the offences under Sections 353 and 379 of IPC, was reduced to rigorous imprisonment for 1 year each.

3. Briefly stated the facts emerges from the record are that the FIR of this case came in the backdrop of a compliant submitted by the Junior Engineer of Electricity Board. According to complainant on 6.10.1997 at 11.30 am. O.P. Kathuria, J.E (PW6) in the presence of Chander Shekhar JE (PW2) and other staff members of Electricity Department checked the premises of accused Pala Ram situated in village Harsola and found that he was committing theft of electricity energy be direct connection. As per complainant at the time of checking when the abovementioned team tried to remove the wire and fitted electrical motor etc. the accused hurled abuses to the checking party and also manhandled OP.Katupalia. It had been further alleged that in view of above incident Shri P.K. Goyal SDO (PW1) sent letters Ex PA and Ex. PA/1 to the S.H.O. Police Station Sadar Kaithal for registration of FIR against the accused. Pursuant to abovementioned FIR the investigation was conducted and on completion of investigation and other usual formalities, a challan was presented in the court.

4. Since the Court of learned Sessions Judge dismissed the appeal with regard to finding of conviction but partly accepted with regard to quantum of sentence, the petitioner resorted to instant revision petition.

5. Heard.

6. It has been argued by learned counsel for the petitioner that the petitioner has already served a sentence of 1 month and 17 days against the awarded sentence of 2 years. According to learned counsel for the petitioner



the petitioner has clean antecedents and he has never faced trial either before the present prosecution or thereafter and, therefore, he is entitled to the benefit of probation.

7. Learned counsel for the petitioner while not opting to challenge the findings of the Court of learned Judicial Magistrate, viz-a-viz learned Sessions Judge, has argued on the point of quantum of sentence only and requested that the petitioner in view of his clear antecedents deserve a lenient view.

8. Learned State counsel while confirming that the petitioner has undergone sentence of 1 month and 17 days has opposed the prayer for the benefit of probation to the petitioner, on the ground that the nature of offence committed by the petitioner does not warrant any such concession.

9. The record has been perused carefully.

10. A perusal of the record shows that custody certificate placed on record by respondent-State shows that the petitioner has never faced any other prosecution either before the current FIR No. 753 dated 08.10.1997 or thereafter. The record also shows that charge for the commission of offence punishable under Sections 379, 353 and 186 IPC was framed against the petitioner and the maximum punishment prescribed for the abovesaid offence is imprisonment up to 3 years.

11. In addition to above, it is also relevant to note that the petitioner has no criminal history and even after the commission of instant offence, in the year 2006, in the last 19 years he has not indulge in any other criminal activity of any kind.

12. Taking into consideration the cumulative effect of all the above



mentioned factors, in my considered opinion, the petitioner is entitled for the benefit of probation. Hence, the present petition is hereby partly allowed and, while affirming the findings returned by the learned trial Court viz-a-viz Appellate Court with regard to conviction of the petitioner the order with regard to quantum of sentence is modified to the extent that the petitioner is entitled to the benefit of probation of good behaviour. Accordingly, the present petition is hereby disposed of with a direction to the petitioner to furnish requisite bonds, within a period of 1 month from the date of receipt of certified copy of this order, before the learned trial Court to the satisfaction of trial Court/Duty Magistrate. In case, the concerned Court is not available, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

(SURYA PARTAP SINGH)
JUDGE

18.08.2025
Manoj Bhutani

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