

2025:PHHC:112683



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRR-591-2008

Date of decision: August 25, 2025

MEWA RAM AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.D.S. Hooda, Advocate
for the petitioner.

Mr. G.S. Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been directed against the impugned order of conviction and sentence dated 31.01.2006 passed by learned Judicial Magistrate Ist Class, Panipar, and judgment dated 17.03.2008 passed by learned Additional Sessions Judge, Panipat in case FIR No.385 dated 16.08.1997 under Sections 452, 324, 34 of Indian Penal Code, 1860, registered at Police Station Model Town, District Panipat.

2. At the outset, learned counsel appearing for the petitioners submits that he does not propose to assail the findings of conviction recorded by the learned trial Court on merits. The challenge is confined solely to the quantum of sentence.

3. Learned counsel submits that the incident in question occurred on 15.08.1997, i.e. nearly 28 years ago. Even since then, the petitioners have been undergoing the ordeal of protracted criminal proceedings. It is further pointed out that after conclusion of the trial, the petitioners were released on



bail, and in the interregnum of almost three decades, they have neither been involved in any other criminal case, nor have they misused the concession of bail. In these circumstances, it is urged that keeping in view their clean conduct over the years, the petitioners deserve a lenient approach on the question of sentence. Learned counsel, therefore, pleads that the petitioners be released on probation.

4. *Per contra*, learned State counsel vehemently opposes the prayer for leniency. It is contended that there were clear and specific allegations against the petitioners of criminal trespass into the house of the complainant and of inflicting knife blows on the complainant's neck and chest. Having regard to the gravity of such allegations, it is urged that the petitioners do not deserve the benefit of probation, and that no indulgence should be shown in the matter of sentence.

5. I have heard learned counsel for the parties and carefully perused the record including the judgment dated 31.01.2006 passed by the learned trial Court as well as the learned Appellate Court's judgment affirming the conviction. The findings of conviction recorded by the Courts below are well-reasoned, supported by the evidence on record, and do not suffer from any perversity or illegality warranting interference by this Court. The conviction of the petitioners is, therefore, affirmed.

6. Vide impugned order and judgment of conviction dated 31.1.2006, the appellant had been convicted and sentenced as follows:-



Name of the accuseds	Section(s)	Sentence	Fine, if any, to each	Sentence in default of payment of fine
Mewa Ram and Deepak Kumar	324 IPC	RI for 2 years	Rs.300/-	RI for 15 days
	452 IPC	RI for 1 year	Rs.200/-	RI for 15 days

7. The conviction of the petitioners is the limited question that arises for consideration is with respect to the appropriate sentence to be imposed.

8. It is not disputed that the occurrence in question dates back to August 1997 and that the petitioners have since faced the agony of prolonged prison proceedings for over 28 years. It is also not disputed by the learned State counsel that during the entire period, the petitioners have not involved themselves in any other criminal activity. On the contrary, they have maintained good conduct and have not misused the concession of bail that was extended to them.

9. This Court is conscious of the settled principle that punishment serves not only the object of deterrence, but also the equally significant object of reformation. In the present case, the long passage of time since the occurrence, coupled with the petitioners’ unimpeachable conduct during the last nearly three decades, is a strong indicator that they have had sufficient opportunity for introspection and have reformed themselves.

10. Sending the petitioners back to custody at this stage, after such a long gap, would not advance the cause of justice; rather, it may operate harshly and prove counter-productive. The broader interest of justice would,



therefore, be better served by extending to the petitioners the benefit of probation, which would strike an appropriate balance between the punitive aspect of the sentencing and the rehabilitative objective of criminal jurisprudence.

11. In the facts and circumstances of the case, and bearing in mind the length of time already elapsed, the clean antecedents of the petitioners post-incident, and the overarching principle of reformatory justice, this Court is of the considered opinion that it would not be appropriate to send the petitioners back to custody at this juncture.

12. This Court, in the above circumstances, while upholding the conviction, does not deem it appropriate to send the petitioners behind bars at this stage. It may not always be necessary in each and every case to incarcerate the offender where he/she has had an opportunity to repent for his/her wrongs. Accordingly, the petitioners are ordered to be released on probation under the Probation of Offenders Act, 1958, for a period of six months on their entering into a bond in the sum of Rs.25,000/- each with one surety of like amount, to the satisfaction of Chief Judicial Magistrate concerned, with an undertaking that they shall maintain good conduct and peace.

August 25, 2025

Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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