

motorcycle bearing registration No.HR-08M-6898 after having started from a factory at Dirba. Shivala Ram (complainant), who is father of the deceased, along with Sunil Kumar, were standing near the gate of the factory. When Rajinder Kumar was going to cross the road, bus bearing registration No.HR-46D-2681 of Haryana Roadways, driven by accused-petitioner, came from the side of Rohtak on a very high speed and struck against the motorcycle by way of rash and negligent driving. The bus dragged the motorcycle upto a long distance. Rajinder Kumar died on the spot. Accused along with Conductor fled away from there after leaving the bus. Name of the accused was ascertained at the spot. After leaving Mani Ram by the side of the dead body, both Shivala Ram and Sunil Kumar went to the police. ASI Satnam Singh met them at bus stand, Dirba, to whom, Shivala Ram made statement, narrating the aforesaid occurrence, on which basis, FIR (supra) was registered against the accused-petitioner.

3. Learned counsel for the petitioner contended that the alleged incident occurred on 01.06.2015 and FIR (supra) was lodged that very day, however, the complainant along with other prosecution witnesses was not present at the alleged place and they were not the eye-witnesses. Moreover, there are discrepancies between the statements of witnesses and no test identification parade was ever got conducted in the present case.

4. *Per contra*, learned State counsel submitted that the petitioner has been convicted by the learned trial Court based on correct appreciation of the facts and the law. Moreover, the conviction has been upheld by the learned lower Appellate Court, as such interference by this Court is not warranted.

5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it appears that the guilt of the petitioner

has been adequately proved and the judgment of conviction does not warrant any interference. However, the petitioner has been facing the agony of trial for the last about 09 years. According to the custody certificate produced by the learned State counsel, the petitioner has undergone a period of 05 months and 20 days, including remission, out of the sentence of 01 year imposed upon him. Therefore, in view of his clean antecedents, this Court finds the matter at hand to be a fit case for grant of probation. Sections 3 and 4 of the Probation of Offenders Act, 1958 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.....”

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.”

6. Accordingly, the judgment dated 18.04.2019 passed by the learned Sessions Judge, Sangrur is upheld. However, in view of the discussion above,

the petitioner is directed to be released on probation on furnishing a personal bond of Rs.20,000/- with a surety of the like amount. The petitioner is also directed to furnish an undertaking to keep the peace and good behaviour for a period of two years, to the satisfaction of the concerned trial court within a period of two weeks. The petitioner shall remain under the supervision of the concerned Probation Officer during the aforesaid period. It is further directed that if the petitioner fails to comply with the said directions or commit breach of the undertaking given by him, he shall be called upon to undergo the sentence imposed upon him, as mentioned above.

- 7. With the aforesaid directions, the present petition is disposed of.
- 8. Pending miscellaneous application(s), if any, shall also stand disposed of.

04.02.2025
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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