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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-426-2011
Date of decision: 03.04.2025

RULDU SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arun Gupta, Advocate for
Mr. Rakesh Gupta, Advocate for the petitioner.
Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision is preferred against the judgment dated 08.02.2011 passed by learned Sessions Judge, Sangrur, whereby the judgment of conviction and order of sentence dated 04.04.2008 passed by the learned Additional Chief Judicial Magistrate, Sangrur, have been upheld in the case stemming from FIR No.44 dated 12.03.2003 registered under Sections 304-A/427 of IPC at Police Station Bhawanigarh. The petitioner was sentenced as mentioned below:

Offence under Section(s)	Sentence
304-A	RI for two years with a fine of Rs.5,000/- in default of which, to undergo imprisonment for 03 months.

2. In brief, the case of the prosecution is that on 12.03.2003, Naib Rasaldar JC 238168, Ambala Cantt came to the police Station Bhawanigarh and got recorded his statement to the effect that at about 6:30 AM, as per order of the Unit, they proceeded in vehicle No.BA99D116352K from Ambala Cantt in army vehicle being driven by driver No.15469245L SOW Hoshiar Singh and one SOW Ram Kumar along with weapon sitting at the rear seat of the vehicle. At about



8:40 AM, a bus bearing No.PB-11U-6752 came from the opposite side, being driven in rash and negligent manner, hit their vehicle from behind. Due to which, SOW Ram Kumar received multiple injuries and died on arrival in Military Hospital at Patiala. Bus driver fled away from the spot. Later on inquiry, he came to know that bus was driven by Ruldu Singh (petitioner herein). Hence, FIR (*supra*) was registered.

3. After assessing the material available on record, the learned trial Court convicted and sentenced the petitioner vide judgment and order dated 04.04.2008. Aggrieved by the same, the petitioner preferred an appeal, before learned lower Appellate Court, which was also dismissed.

4. Learned counsel for the petitioner contends that the learned Courts below have fell into grave error by convicting the petitioner. He further contends that the FIR (*supra*) was registered on the statement made by Naib Rasaldar, however, he was not produced in the Court. Furthermore, when the investigating officer reached at the spot at about 3:30 PM, one tyre of the bus was on road and it was on extreme left side of the road and even photographs produced on record also show that the bus was standing on extreme left side of the road. He further submits that statement of PW-6 Hoshiar Singh is self contradictory as he stated before the police that when he tried to overtake the milk tanker, the bus came from the opposite side and hit the vehicle, however, while deposing in the Court, he stated that he did not try to overtake the milk tanker.

5. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioner and submits that he has been convicted by the learned trial Court based on correct appreciation of the facts and the law,



which has also been upheld by learned lower Appellate Court. As such interference by this Court is not warranted.

6. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that petitioner is facing the agony of protracted trial for the last more than 22 years. Since his conviction, the petitioner has grown into law-abiding citizen and desires to live a peaceful life.

7. 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.”



Further still, a two Judge Bench of the Hon'ble Supreme Court in ***Lakahnlal @ Lakahn Singh vs. State of Madhya Pradesh (2021) 6 SCC 100***

has opined as follows:

“15. We find that the attention of the Court was not drawn to sub Section (10) of Section 360 which provides that Section 360 will not affect the provisions of 1958 Act or other similar laws for the time being in force for the treatment, training or rehabilitation of youthful offenders. Still further, Section 4 of the 1958 Act has a non obstante clause, giving overriding effect over any other provisions of law.

16. The conjoint reading of the provisions of both the statutes, we find that the provisions of Section 360 of the Code are in addition to the provisions of the 1958 Act or the Children Act, 1960, or any other law for the time being in force for the treatment, training or rehabilitation of youthful offenders”

8. The Hon'ble Supreme Court in ***Bishnu Deo Shah Vs. State of West Banal AIR 1979 SC 964*** has laid down that it is obligatory on the part of the Court to deal with a convict under the provisions of Section 360 of the Cr.P.C., if he is not convicted for an offence punishable with death penalty or imprisonment for life and additionally, if he is not a previous convict. The overarching object of the provision contained in Section 4 and 6 of the Act and Section 360 and 361 of Cr.P.C. is to provide an opportunity to the first time offenders to reform and not expose them in association with the hardened and habitual criminal inmates incarcerated in the judicial custody.

9. 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 08.02.2011 passed by learned Sessions Judge, Sangrur confirming the conviction of the petitioner is upheld.
- 2) The order of sentence dated 04.04.2008 passed by learned Additional Chief Judicial Magistrate, Sangrur, 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 within four weeks, after furnishing an undertaking to keep the peace and good behaviour for a period of one year 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 him by the learned trial Court.

10. Needless to say in view of the Section 12 of Probation of Offenders Act, judgment of conviction and order of sentence dated 04.04.2008 passed by learned Additional Chief Judicial Magistrate, Sangrur, which have been upheld by learned Sessions Judge, Sangrur, vide judgment dated 08.02.2011, shall not be a hurdle to petitioner, in any way, to get retiral benefits and other service benefits to which he is entitled to.

April 03, 2025
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |