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**230 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRA-S-3901-2023 (O&M)
Date of Decision: 09.01.2025**

STATE OF HARYANA

...Appellant

V/S

TIRAK SINGH @ TARIK SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)
CRM-54575-2023

This is an application filed under Section 5 of the Limitation Act read with Section 482 of Cr.P.C. for condonation of delay of 294 days in filing the instant appeal.

For the reasons mentioned in the application, same is allowed and delay of 294 days in filing appeal is condoned.

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1. The present appeal is preferred against the judgment dated 04.11.2022 passed by learned Additional Sessions Judge, Charkhi Dadri whereby while maintaining the conviction of accused-respondent dated 15.12.2016 passed by learned Judicial Magistrate Ist Class, Charkh Dadri, his order on quantum of sentence dated 23.12.2016 has been modified and the accused-respondent has been released on probation.

2. Brief facts of the case, necessary for disposal of the case are that present case was got registered by complainant Pardeep with the allegations that on 25.06.2013 at about 01:30 p.m., when his sister Santosh, aged about 30 years, boarded down from the Roadways bus at Dudi Mor, at

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8309 came from Badhra side, which was being driven by its driver rashly, negligently, in a zig-zag manner and directly hit his sister and dragged her about 50 paces. The driver stopped his tanker about half kilometer away and fled from the spot while leaving the Tanker at the spot. Due to that accident, Santosh died at the spot.

3. Learned Judicial Magistrate Ist Class, Charkhi Dadri vide judgment of conviction dated 15.12.2016 convicted the accused-respondent under Sections 279 and 304-A of Indian Penal Code and vide order on quantum of sentence dated 23.12.2016 awarded him substantive sentence of 01 year of simple imprisonment along with fine of Rs. 10,000/- with default mechanism. However, learned Additional Sessions Judge, Charkhi Dadri vide judgment dated 04.11.2022 released the respondent-accused on probation for a period of 06 months and to pay an additional sum of Rs. 25,000/- as compensation to complainant as per Section 04 of Probation of Offender's Act.

4. Having heard the learned State counsel and after perusing the record of the case with her able assistance, it transpires that learned lower Appellate Court has opined that respondent has neither been previous convict nor indulged in any other criminal activity during the period of conviction and trial of the case. The financial condition of the convict-respondent was also not found to be much good and he had faced the agony of trial for a period of about 09 years. Thus, learned lower Appellate Court rightly released the respondent-convict on probation for a period of 06 months as per Section 04 of Probation of Offender's Act and given him a chance to reform himself.



5. The respondents-accused have maintained good conduct and do not have criminal antecedents. The theory of reformation and rehabilitation aims at separating the criminal from the crime and compels us to look beyond the one fateful act committed by him. In a civilised society like ours, it would be truly unfortunate if an offender is not given the opportunity to realise and fully fathom his mistake and channel that awareness into making fruitful contributions in society. A Co-ordinate bench of this Court in *Nasri v. State of Haryana 2023(2) Law Herald 2203*, speaking through Justice Arun Monga, made the following observations:

“11.2. Objectives and principles of criminal law as envisioned in the provision ibid, apart from deterrence against committing crime against society, are inter-alia focused on the reformation of offenders, which inheres the concept of probation. Modern criminal justice system often aims to balance punishment with rehabilitation, emphasizing the potential for positive change in individuals who have committed crime. The goal of criminal law extends beyond mere punishment. While punishment serves to deter and hold individuals accountable for their actions, there is a growing recognition of the importance of addressing the underlying factors that contribute to criminal behaviour. This perspective emphasizes the potentials of offenders to reform and reintegrate into society as law-abiding citizens. Probation is one of the mechanisms used to achieve this reformation objective. In certain cases, certain offenders may be asked to remain under community supervision rather than being incarcerated. During such probation period, the offender can be put to follow certain conditions, such as regular reporting to a probation officer, participating in counselling or treatment programs and maintaining employment or education. The aim is to provide support, guidance and opportunities for the offender and to address the root causes of their criminal behaviour and develop positive life skills. Close monitoring and guidance provided during probation can help the offender make positive changes in their life and reduce the likelihood of re offending.”

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6. In view of the facts and circumstances of the case, this Court finds no perversity or illegality in findings recorded by the learned Courts below which warrants interference. Hence, the instant appeal stands dismissed.

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

(HARPREET SINGH BRAR)
JUDGE

09.01.2025
Ajay Goswami

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