



CRA-S-1359-SB-2004 (O&M)

S. No. 102

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

CRA-S-1359-SB of 2004 (O&M)

Date of Decision:07.04.2025

Inderjit Singh

.....Appellant

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vivek Lamba, Advocate
for the appellant.
(Through Video Conferencing).

Mr. Rajiv K. Takkar, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

In a case arising out of FIR No.112 dated 08.11.1999 registered at Police Station Moga under Sections 376 and 511 IPC, accused – Inderjit Singh (*appellant herein*) was convicted by the Court of learned Additional Sessions Judge (Adhoc) Fast Track Court Faridkot under Section 354 IPC and was sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of ₹500/- with default sentence of 02 months, for committing the said offence under Section 354 IPC.

2. Against the afore-said conviction and sentence, the present appeal is filed.

3. Today, it is stated by learned counsel for the appellant that appellant does not want to press for his appeal against the judgment of conviction and withdraws the same.

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4. Prayer is made by learned counsel to release the appellant on probation, considering the fact that the appellant was a young person at the time of committing of the offence, which had taken place way back in November, 1999 i.e. more than 26 years back. It is also the contention of learned counsel that prosecutrix had not fully supported the prosecution version.

5. Learned State Counsel has opposed the prayer by pointing out towards the nature of crime.

6. Heard.

7. As per the prosecution version, accused had dragged prosecutrix inside his house with an evil intention, made her to fall on the ground, started opening the string of her salwar and lifted her legs and as she raised alarm, her sister stopped him. Accused allegedly gave the slap to the sister of the prosecutrix but as other family members reached the spot, accused fled away. However, during trial, prosecutrix did not fully support the case. Though she stated that she was dragged inside the house but as her sister raised alarm, accused fled away. The trial Court has observed that as per the testimony of prosecutrix, the allegation of the prosecution was proved to the extent that prosecutrix was tried to be dragged inside the house by the accused and that there was no attempt to commit rape, as prosecutrix did not support the prosecution version to the effect that string of her salwar was attempted to be opened by the accused or her legs were lifted.

8. This Court does not find any illegality or perversity in the afore-said finding, having regard to the statement of the prosecutrix.

9. Considering the statement made by learned counsel for the appellant, the appeal against conviction recorded under Section 354 IPC is hereby dismissed as withdrawn, thus, maintaining the conviction.

10. As far as order of sentence is concerned, the offence was committed in November, 1999 i.e. more than 26 years back. Accused was 22 years of age at



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that time as recorded in the trial Court judgment. It is not the case of the prosecution that prosecutrix was minor at the relevant time. Not only this, it is not even the case of the prosecution that it is the prosecutrix, who had raised the alarm, rather it is her sister, who had raised the alarm.

11. Having noticed the afresh-said facts and circumstances, this Court finds it to be a fit case, where the accused should be given the benefit of probation. As such, the accused- appellant is hereby directed to be released on probation for a period of two years, on furnishing necessary probation bonds in the sum of ₹50,000/- with a surety of like amount before learned Chief Judicial Magistrate concerned. At the same time, the appellant is burdened with the prosecution cost of 10,000/-. The said order is to be complied by the appellant within a period of four weeks from today, filing which the appellant will have to undergo the sentence as imposed by the trial Court.

April 07, 2025
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No