

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CRR-243-2012 (O&M)
DECIDED ON:03.03.2025

LAKHVIR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: - Mr. S.S. Behl, Advocate with
Mr. Gaurav Vir Singh Behl, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J

CRM-8037-2025

Prayer in the present application is for fixing the actual date of hearing in the main petition.

In view of the averments made in the present application the same is allowed and the matter is taken up on board today itself for final disposal.

CRR-243-2012

1. The present revision petition has been preferred against the impugned judgment dated 17.01.2012 passed by Additional Sessions Judge, Sangrur dismissing the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 08.01.2011 passed by Chief Judicial Magistrate, Sangrur in FIR No.22, dated 02.02.2005 registered

under Sections 279, 337, 338 and 427 of the Indian Penal Code, 1860 (for short 'IPC') at Police Station Bhawanigarh.

2. The petitioner was sentenced as under:-

Under Section	Sentence
---------------	----------

279 IPC	To undergo RI for six months;
---------	-------------------------------

337 IPC	To undergo RI for six months;
---------	-------------------------------

338 IPC	To undergo RI for six months and to pay fine of Rs.1000/-, in default thereof, to further undergo RI for 10 days;
---------	---

427 IPC	To undergo RI for six months.
---------	-------------------------------

(All the sentences shall run concurrently.)

2. Factual matrix of the case, are that the present FIR was registered on the basis of statement of injured Gurcharan Singh against the petitioner Lakhvir Singh, driver of the offending vehicle bearing registration No.PB-46-C-0047.

3. On finding a *prima facie* case for the commission of offences under Sections 279, 337, 338 and 427 of IPC, charges were framed accordingly, to which he pleaded not guilty and claimed trial and was ultimately convicted.

4. Learned counsel for the petitioner *inter alia* submits that petitioner is a first time offender. He does not have any criminal background and, therefore, he may be dealt with under Section 360 of the Code of Criminal Procedure, 1973. Moreover, the petitioner has already face the agony of protracted trial for the last two decades. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction on merits and restricts her prayer to modification of the order of

quantum of sentence to that of the release of the petitioner on probation of good conduct.

5. Learned counsel for the respondent-State submits that he has no objection to the restricted prayer qua the petitioner, so long as his conviction is upheld. Upon asking, he submits that the petitioner has undergone the actual custody for a period of 2 months, out of the total substantive sentence of six months, as per the custody certificate placed on record before this Court today

6. Heard learned counsel for the respective parties.

7. Section 3 and 4 of the Probation of Offenders Act empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. Similarly, Sections 360 and 361 of the Cr.P.C also empower the courts to release the offenders on probation of good conduct in the cases and circumstances mentioned therein. The Division Bench of the Apex Court in “**Som Dutt and others Vs. State of Himachal Pradesh**” (2022) 6 SCC 722, 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.....”

8. The Division Bench of the Hon’ble Supreme Court in “**Lakhvir Singh Vs. State of Punjab**” (2021) 2 SCC 763, 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.”

9. In view of the afore-said judicial enunciations, the judgment of conviction and order of sentence dated 08.01.2011 passed by Chief Judicial Magistrate, Sangrur as well as the judgement dated 17.01.2012 passed by Sessions Judge, Sangrur, whereby, the conviction of the petitioner was affirmed and upheld. However, having regard for the fact that the petitioner has no criminal antecedents and is a first time offender, this court is inclined to give him the benefit of probation of good conduct.

10. Consequently, while maintaining the conviction and sentence imposed upon the petitioner, it is directed that the petitioner be released on probation for good conduct on furnishing a personal bond of Rs.20,000/- with a surety of the like amount, and on further furnishing an undertaking to keep the peace and good behaviour for a period of two years, to the satisfaction of the concerned Chief Judicial Magistrate.

11. The petitioner shall remain under the supervision of the concerned Probation Officer(s) during the aforesaid period. It is further directed that if the petitioner fails to comply with the said directions or commits breach of the undertaking given by him, he shall be called upon to undergo the remaining period of sentence imposed upon him in the present case.

12. With the aforesaid modification, the instant criminal revision petition is disposed off.
13. Pending criminal misc. application, if any also stands disposed off.

03.03.2025
Sham

(SANDEEP MOUDGIL)
JUDGE

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No