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249 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3533-2012 (O&M)

Date of Decision: 05.02.2025

KARAMBIR SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vicky Sharma, Advocate for
Mr. K.S. Dhaliwal, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 26.10.2012 passed by learned Additional Sessions Judge, Ambala vide which the judgment of conviction and order on quantum of sentence dated 09.12.2010/13.12.2010 passed by learned Chief Judicial Magistrate, Ambala City vide which petitioner has been convicted under Sections 279/304-A of Indian Penal Code and sentenced to undergo rigorous imprisonment for one and half years and also imposed total fine of Rs. 1500/- with default mechanism have been upheld in case bearing FIR No. 196 dated 06.07.2004 under Sections 279/304-A of Indian Penal Code registered at Police Station Ambala City.

2. Briefly, the prosecution case is that on 06.07.2004 an information was received in the police station to the effect that one Bhushan Kumar Kalra had died in an accident and his dead body was lying in General Hospital,

Ambala City. On receipt of this information, a police party headed by SI

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Pramod Kumar went to Civil Hospital, Ambala and recorded the statement of Suraj Parkash Kalra, the father of Bhushan Kumar (deceased). It was stated by complainant Suraj Parkash Kalra that he retired as DSP. His youngest son Bhushan Kumar was coming to his home from his office on motor cycle bearing registration No. HR01H-1089. On 06.07.2004 at about 11 AM, he received a phone call from his friend Joginder Singh that his son had been run over by the front tyre of bus no. HR56-2481 of Jind Depot near Zamindara Petrol pump. His friend Joginder Singh and one Adish Kumar Aggarwal brought his son to Civil Hospital, Ambala in a car bearing No. HR01Q-1001. He also reached the hospital. Joginder Singh and Adish Aggarwal told him about the accident. He came to know that at about 11 AM his son Bhushan Kumar was standing in front of petrol pump. At the same time a bus no. HR56-2481 of Jind Depot driven by its driver in a rash manner hit the motor cycle no. HR01H-1089 from behind. His son was run over by the front left tyre of the bus. The bus was being driven in a rash manner at a very high speed by its driver. Later on he came to know the name of the driver of the bus as Karamvir Singh (petitioner herein). The driver of the bus fled away from the spot after the accident. He, thus, prayed for taking action against the accused-petitioner.

3. After assessing the material available on record learned trial Court vide judgment of conviction and order on quantum of sentence dated 09.12.2010/13.12.2010 convicted the accused-petitioner under Sections 279 and 304-A of Indian Penal Code and sentenced him to undergo rigorous imprisonment for one and half years and total fine of Rs. 1500/- was imposed



upon him and appeal filed against the said judgment was dismissed by the learned lower Appellate Court.

4. Learned counsel for the petitioner contends that he is not assailing the impugned judgment of conviction dated 26.10.2012 on merits and restricts his prayer to modification of the order on quantum of sentence to that of the release of the petitioner on probation of good conduct and urged the Court to take a lenient view of the matter as the petitioner has reformed and intends to live his life as law-abiding citizen.

5. Per contra, learned State counsel opposes the prayer of the petitioner on the ground that learned trial Court has passed a well-reasoned judgment based on correct appreciation of evidence available on record and as such, he does not deserve any leniency. However, he could not controvert the fact that the petitioner is not involved in any other case.

6. I have heard learned counsel for the parties and perused the paper book with their able assistance.

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 (401 and 402 of BNSS) also 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 petitioners, 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 petitioners, it is directed that the petitioners 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.”

8. In view of the aforesaid facts and circumstances, the judgment passed by the learned Additional Sessions Judge, Ambala awarding a total sentence of one and half years under Sections 279 and 304-A of Indian Penal Code is upheld, however, having regard to the fact that the petitioner has no criminal antecedents, this court is inclined to give him the benefit of probation of good conduct. In that view of the matter, while maintaining the conviction and sentence imposed on the petitioner, he is ordered to be released on probation of good conduct on furnishing a personal bond of Rs. 10,000/- with a surety of the like amount, and on further furnishing an undertaking to keep the peace and good behaviour for a period of one year, 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(s) 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 by the learned Additional Sessions Judge, Ambala.

8. With the aforesaid directions, the instant petition stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

05.02.2025
Ajay Goswami

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No