



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRR-539-2012 (O&M)
Date of decision: 14.05.2025

Krishna
State of Haryana
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jasbir Singh Mor, Advocate
for the petitioner.
Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred against the judgment dated 15.02.2012 passed by the learned Additional Sessions Judge, Hisar, vide which judgment of conviction dated 08.11.2008 and order on quantum of sentence dated 10.11.2008 passed by the learned Sub-Divisional Judicial Magistrate, Hansi, in FIR No.112 dated 27.04.2000 registered under Sections 332, 342, 353, 506 IPC at Police Station City Hansi, have been modified.

1.1 The petitioner was convicted by learned trial Court under Sections 332, 342, 353, 506 IPC, however, in the appeal preferred by the petitioner, her sentence was modified and she was sentenced as under:

Offence	Sentence
Section 332 IPC	Rigorous imprisonment for a period of 01 year with fine of Rs.1,500/- and in default of payment of fine, to further undergo rigorous imprisonment for 15 days.



Section 342 IPC	Rigorous imprisonment for a period of 06 months with fine of Rs.500/- and in default of payment of fine, to further undergo rigorous imprisonment for 05 days.
Section 353 IPC	Rigorous imprisonment for a period of 01 year with fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 10 days.
Section 506 IPC	Rigorous imprisonment for a period of 06 months with fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 10 days.

All the sentences were ordered to run concurrently.

2. The brief facts of the case are that on 27.04.2000, Sharda Yadav, Principal of Government Girls Senior Secondary School, Hansi, lodged a complaint with the SHO, Police Station City Hansi, alleging that Krishna Devi, a P.T.I. Teacher in the same school, forcibly entered her office at around 01:00 p.m. while she was engaged in official work. She closed the door from inside, and assaulted her with fist blows, extended life threats, and broke her spectacles. Despite attempts to calm her, Krishna Devi continued the assault and pushed away the staff members who tried to intervene, including a peon named Bishan. Thereafter, she allegedly strangled the complainant and forcibly obtained her signatures on the order book and some papers.

3. Learned counsel for the petitioner submits that the judgment passed by the learned Court below is based on conjectures and surmises. Both the learned Courts below have erred in convicting the petitioner despite the absence of medical evidence or recovery of any broken spectacles which would support the allegations of assault and strangulation. The incident allegedly occurred during school hours, yet



no independent staff or student witness was examined, and the only staff witness, PW1 Bishan Devi, denied witnessing any altercation. Even PW-4 Satpal, another prosecution witness, did not support the complainant's version. The material inconsistencies and lack of corroboration raise serious doubts on the case set up by the prosecution. He further contends that the petitioner has no criminal antecedents and has family responsibilities. Further, the petitioner has been facing trial for about 25 years, and as such, the learned Courts below should have considered releasing her on probation under Section 361 Cr.P.C. read with Sections 3 and 4 of the Probation of Offenders Act, 1958. Learned counsel for the petitioner lastly submits that the petitioner be released on probation in view of her good conduct.

4. *Per contra*, learned State counsel opposes the prayer made by the petitioner and submits that the petitioner has been convicted by the learned trial Court based on correct appreciation of the facts and the law. Moreover, the conviction has been upheld by the learned Lower Appellate Court, as such interference by this Court is not warranted. However, learned State counsel does not object to the restricted prayer made by learned counsel for the petitioner for releasing the petitioner on probation.

5. After hearing the arguments made by learned counsel for the parties and perusing the records, the Court notes that Sections 3 and 4 of the Probation of Offenders Act empower the Courts to release the offenders/convicts on probation of good conduct if deemed appropriate in view of circumstances of the case. Similarly, Sections 360 and 361 of



the Cr.P.C, also empowers the Courts to release the offenders on probation for 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.....”

6. 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.”

7. 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 Sections 4 and 6 of the Act and Sections 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. After considering the facts and circumstances, having regard to the fact that there are no criminal antecedents against the petitioner and she has actually undergone sentence of 10 days out of total sentence of 01 year, this Court is inclined to give her the benefit of probation for good conduct.



10. In that view of the matter, the instant revision petition stands disposed of with the following directions:-

- *The judgment dated 15.02.2012 passed by the learned Additional Sessions Judge, Hisar, confirming the conviction of the petitioner is upheld.*
- *The order of sentence is modified to the extent of granting the concession of probation to the petitioner for good conduct.*
- *The petitioner shall be released on probation for good conduct, subject to furnishing a personal bond of Rs. 10,000/-, with a surety of the like amount.*
- *The petitioner shall submit an undertaking to maintain peace and good behavior for a period of one year, to the satisfaction of the learned trial court, within four weeks from today.*
- *The petitioner shall remain under the supervision of the concerned Probation Officer during this probationary period.*
- *In the event of non-compliance with the directions or any breach of the undertaking, the petitioner shall be liable to undergo the sentence originally imposed.*

11. Needless to say, in view of the Section 12 of Probation of Offenders Act, judgment of conviction dated 08.11.2008 and order of sentence dated 10.11.2008 passed by learned trial Court and judgment dated 15.02.2012 passed by learned Additional Sessions Judge, Hisar, shall not be a hurdle to petitioner, in any way, to get retiral benefits and other service benefits to which she is entitled to.

12. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

14.05.2025

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