

CRR-990-2024 (O&M)

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

**CRR-990-2024 (O&M)
Date of Decision: 13.02.2025**

MALKHAN SINGH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Omkar Chauhan, Advocate
for the petitioner.

Mr. Harkesh Kumar, AAG Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment dated 07.05.2024 passed by learned Additional Sessions Judge, Kaithal vide which the judgment of conviction and order on quantum of sentence dated 28.09.2016/29.09.2016 passed by learned Judicial Magistrate Ist Class, Kaithal vide which petitioner has been convicted under Sections 279/304-A of Indian Penal Code and sentenced to undergo rigorous imprisonment for one year and also imposed total fine of Rs. 1000/- with default mechanism have been upheld in case bearing FIR No. 123 dated 24.10.2013 registered at Police Station Rajaund, District Kaithal.

2. Brief facts of the prosecution case are that on 06.09.2013, complainant (since deceased) was riding bus bearing No. HR-64-8027 and the bus driver was driving the bus in rash and negligent manner. At 8.45 am, bus reached SDM College, Kaithal, then the complainant asked the bus driver to stop the bus and bus stopped for the moment, but when she was about to step



down, bus started and due to the impact, she fell down and the bus driver turned the bus in the left side due to which the rear wheel ran over the complainant's lower portion of the body and when the passengers raised alarm, the accused stopped the bus at some distance. It was further alleged that Satpal son of Karam Singh was also riding the same bus who was uncle of the complainant. Raj Kumar son of Sher Singh took her to the hospital where after giving first aid, she was referred to Ganpati hospital. On the basis of complaint made by complainant to SHO, FIR was registered and investigation began and accused was arrested and released on bail and after completion of investigation challan was presented before the court.

3. After assessing the material available on record learned trial Court vide judgment of conviction and order on quantum of sentence dated 28.09.2016/29.09.2016 convicted the accused-petitioner under Sections 279 and 304-A of Indian Penal Code and sentenced him to undergo rigorous imprisonment for one year and total fine of Rs. 1000/- 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 07.05.2024 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, Kaithal affirming total sentence of one year 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, Kaithal.

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

(HARPREET SINGH BRAR)
JUDGE

13.02.2025
Ajay Goswami

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