



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

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Date of decision: 04.07.2025

1. CRR-1427-2016 (O&M)

Ram Singh
.....Petitioner
Versus
State of Punjab and another
.....Respondents

2. CRR-1446-2016 (O&M)

Ram Singh
.....Petitioner
Versus
Daljit Singh and another
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amit Singh Sethi, Advocate
for the petitioner in both the cases.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Rajesh Punj, Advocate
and Ms. Kulwinder Kaur, Advocate
for respondent No.2 in CRR-1427-2016
and for respondent No.1 in CRR-1446-2016.

HARPREET SINGH BRAR J. (Oral)

CRM-24716-2025 IN CRR-1427-2016

Allowed as prayed for.

CRM-24717-2025 IN CRR-1427-2016

Prayer in the instant application is for placing on record the documents as Annexure A (colly.), Annexure B and Annexure C.

Allowed as prayed for subject to all just exceptions.



CRR-1427-2016 & CRR-1446-2016 (O&M)

1. Vide this common order, I intend to dispose of CRR-1427-2016 and CRR-1446-2016, as common questions of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CRR-1427-2016.

2. Both these revision petitions have been preferred against the judgment dated 08.02.2016 passed by the learned Additional Sessions Judge, Ludhiana, vide which judgment of acquittal dated 16.01.2013 passed by learned Judicial Magistrate Ist Class, Ludhiana, in FIR No.117 dated 05.04.2001 registered under Sections 420, 467, 468, 120-B IPC at Police Station Sadar Ludhiana, District Ludhiana, has been set-aside and the petitioner – Ram Singh has been convicted under Section 420 IPC and sentenced to undergo RI for a period of 02 years with fine of Rs.5,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 01 month.

3. The brief facts of the case are that the FIR (supra) was registered on the application moved by one Daljit Singh, who had alleged that Ram Singh, Mukhtiar Singh and Nirmal Singh resident of village Threekey had sold the land after carving out various plots and in this regard, they entered into an agreement to sell dated 11.08.1988 through their general power of attorney. On 29.09.1988, Mukhtiar Singh and Nirmal Singh sold the area which was left out for the passage to Ram Singh through sale deed bearing Wasika No.11749 whereas they had already sold their entire share which was falling in khasra No.141.



In this way, all the accused persons in connivance with each other cheated the victim. On the basis of the application, the police swung into action and the present FIR was registered against the accused/respondents. After completion of necessary investigation and formalities, challan against the accused was prepared and filed in the jurisdictional Court.

4. Learned counsel for the petitioner submits that the petitioner is 88 years of age and is facing the FIR (supra) since 2001. He further submits that the judgment passed by the learned Lower Appellate Court is based on conjectures and surmises. It is contended that the petitioner has no criminal antecedents and has family responsibilities. Further, the petitioner has been facing the trial for more than 24 years, and as such, the learned Lower Appellate Court should have considered releasing him 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 his age and good conduct.

5. *Per contra*, learned State counsel assisted by learned counsel for respondent – Daljit Singh opposes the prayer made by the petitioner and submits that the petitioner has been convicted by the learned Lower Appellate Court based on correct appreciation of the facts and the law. Learned counsel for the respondent – Daljit Singh further submits that the petitioner has wrongly been acquitted by the learned trial Court and the learned Lower Appellate Court has rightly



convicted him, 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.

6. After hearing the arguments 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 empower 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.....”

7. 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. 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”

9. 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.

10. After considering the facts and circumstances of the case, this Court is inclined to grant the benefit of probation for good conduct to the petitioner. Accordingly, both the instant revision petitions stand disposed of with the following directions:-

- *The judgment dated 08.02.2016 passed by the learned Additional Sessions Judge, Ludhiana, convicting the petitioner is upheld.*
- *The order of sentence passed by the learned Additional Sessions Judge, Ludhiana 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. All the pending miscellaneous application(s), if any, shall also stand disposed of.
12. A photocopy of this order be placed on the file of other connected case.

(HARPREET SINGH BRAR)
JUDGE

04.07.2025

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