



her for deposit in her Savings Account No.561519 but the accused deposited only an amount of ₹35400/- in the account of said complainant and thereby mis-appropriated the amount of ₹10000/-. A complaint in this regard was made by the complainant Smt. Neelam Kumari to the Superintendent of Post Office, Kapurthala Division, Kapurthala. Departmental enquiry was conducted and the accused was placed under suspension and a letter dated 16.03.2005 bearing No.F4/2/04-05 Ex.PB was sent to SHO of P.S. Nakodar by the Superintendent of Post Offices, Kapurthala Division, Kapurthala for registration of a case followed by letters dated 03.06.2005 and 27.07.2005, on the basis of which, the police also conducted enquiries and ultimately, after seeking the opinion from DA (Legal), FIR (*supra*) was registered.

3. Learned counsel for the petitioner contended that from the testimony of PW-5 Hans Raj, it clearly emerges that it was not the complainant herself but her brother-in-law Raj Pal, who visited the post office on 26.02.2004 for deposit of amount. Thus, in the absence of Raj Pal being examined as a witness, in the present case, the genesis of occurrence with regard to amount actually tendered for deposit does not stand established at all. Learned counsel further submits that merely because the petitioner deposited the amount of Rs.10,000/- with interest thereon in her account, it cannot be concluded that she admitted her guilt.

4. *Per contra*, learned State counsel and learned counsel for respondent No.3 submitted 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.



5. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it appears that the guilt of the petitioner has been adequately proved and the judgment of conviction does not warrant any interference. However, the petitioner is a lady and is a public servant. She has been facing the agony of trial for the last almost 18 years. According to the custody certificate produced by the learned State counsel, the petitioner has undergone a period of 01 month and 16 days, including remission, out of the sentence of one and half years imposed upon her. Therefore, in view of her clean antecedents, this Court finds the matter at hand to be a fit case for grant of probation. Sections 3 and 4 of the Probation of Offenders Act, 1958 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 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.....”

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.”



6. Accordingly, the judgment dated 28.07.2015 passed by learned Additional Sessions Judge, Jalandhar is upheld. However, in view of the discussion above, the petitioner is directed to be released on probation on furnishing a personal bond of Rs.20,000/- with a surety of the like amount. The petitioner is also directed to furnish 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 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 her, she shall be called upon to undergo the sentence imposed upon her, as mentioned above.

7. With the aforesaid directions, the present petition is disposed of.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

January 22, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No