



It was ordered that all the sentences shall run concurrently.

2. In brief, the case of the prosecution is that on 05.03.2012, when ASI Chander Shekhar along with constable Shish Pal 385 was present at Delhi bye-pass for patrolling duty, he received a telephonic information from police station that an accident had taken place at Alawarpur Chowk, Palwal, in which, Chotu son of Tufani died due to injuries received in said accident. On receiving said information, police party headed by ASI Chander Shekhar reached at the spot where they met with Tufani son of Gayabi, resident of Village Bishanpur, Distt, Jummai (Bihar), who made a statement to the effect that he is residing in a rented house of Mahender along with his three sons, whose names are Gautam, Chotu and Vipin. On 05.03.2012, his son Chotu went to the Bank for depositing the money on his bicycle. When he was coming back after depositing the money to their house then at about 1:00 P.M. at Alwarpur Chowk, a driver of tractor-trolley drove back its tractor in rash and negligent manner and while doing so, tyres of trolley ran over his son. Due to such accident, his son received severe injuries on his body and died on the spot. He was nearby to the Alawalpur Chowk, at the time of said accident. Many persons were gathered. The driver of the offending vehicle ran away from the spot leaving behind the vehicle on the spot. He noted the number of offending tractor-trolley as GTR 3522, marka HMT, Colour yellow and trolley was loaded with bricks. Hence, FIR (*supra*) was registered.

3. Learned counsel for the petitioner contends that there are material contradictions and improvements in the case set up by the prosecution and the petitioner has been falsely implicated in the present case. Further, the complainant and other material witnesses are interconnected and related witnesses to the deceased. Moreover, the identity of the petitioner has not been



proved by the prosecution and there is nothing on record that the petitioner was driving the offending vehicle.

4. *Per contra*, learned State counsel opposes the prayer made by learned counsel for 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.

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 has been facing the agony of trial for the last almost 13 years. According to the custody certificate produced by the learned State counsel, the petitioner has undergone total period of 02 months and 26 days, including remission, out of the sentence of two years imposed upon him. Therefore, in view of his 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 20.05.2016 passed by learned Additional Sessions Judge, Palwal 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 him, he shall be called upon to undergo the sentence imposed upon him, 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.

(HARPREET SINGH BRAR)
JUDGE

January 27, 2025
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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No