



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
204

CRR-710-2014 (O&M)
Date of decision: 02.07.2025

Karan Singh
State of Haryana
Versus
....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Alisha Viridi, Advocate (*Amicus Curiae*)
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This revision petition has been preferred against the judgment dated 06.02.2014 passed by the learned Additional Sessions Judge, Rohtak, vide which judgment of conviction dated 03.08.2013 and order on quantum of sentence dated 05.08.2013 passed by the learned Judicial Magistrate Ist Class, Rohtak, in FIR No.217 dated 27.09.2007 registered under Sections 279, 337, 338 IPC at Police Station Urban Estate, Rohtak District Rohtak, have been upheld.
2. The petitioner was convicted by the learned trial Court vide judgment of conviction dated 03.08.2013 and was sentenced as follows:

Offence	Sentence
Section 279 IPC	Rigorous imprisonment for a period of 03 months with fine of Rs.1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for 15 days.
Section 337 IPC	Rigorous imprisonment for a period of 03 months with fine of Rs.250/- and in default of payment of fine, to further undergo rigorous imprisonment for 15 days.



All the sentences were ordered to run concurrently.

3. The brief facts of the case are that on 27.09.2007 at about 06:00 PM, the complainant, Nand Kishore, was returning from Sector 1, Rohtak to Kalanaur on his motorcycle Hero Honda CD Dawn, bearing registration No. HR-12F-2254. When he reached near Sector 1, Pullia No.3, Delhi Road, Rohtak, a bus bearing registration No.HR-62A-0426, Fatehabad Depot came from the side of Sheela Bypass, which was allegedly being driven in a rash and negligent manner, and it hit his motorcycle. As a result, he fell down and the rear tyre of the bus ran over his right leg, causing serious injuries, which resulted into amputation. The driver of the bus fled away from the spot with the bus. The complainant was taken to PGIMS, Rohtak by his relative Atul, and based on his complaint, the FIR (supra) was registered.

4. Learned *amicus curiae*, *inter alia*, contends that the identity of the petitioner has not been established by the prosecution as none of the witness has deposed that petitioner was driving the bus in a rash and negligent manner. The statements of PW-3 and PW-1 bear no expression in their examination-in-chief regarding the identification of the petitioner before the learned trial Court. Further, the learned trial Court has fallen into grave error by relying upon the testimony of highly interested witnesses and there was no eye-witness to prove the alleged incident. Further PW-12, the doctor who treated the injured has proved that the injuries suffered by the injured are simple in nature. Moreover, the testimony of Investigating Officer ASI Ashok Kumar is also discrepant. The Investigating Officer was not present for his cross-



examination as such, the entire investigation conducted by the Investigating Officer remains un-proved. Further, the petitioner has been facing trial for more than 17 years, and as such, the learned Court below 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 *amicus curiae* lastly submits that the petitioner be released on probation in view of his age and good conduct.

5. *Per contra*, learned State counsel opposes the prayer made by the petitioner and submits that the petitioner has been rightly convicted by the learned trial Court for causing injuries by driving the offending vehicle in a rash and negligent manner and the medico-legal report of the injured duly proved the injuries suffered by him and there is nothing on record to disbelieve the testimony of injured witness. 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 *amicus curiae* 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, having regard to the fact that there are no criminal antecedents against the petitioner and he has actually undergone sentence of 01 month and 26 days out of total sentence of 03 months, this Court is inclined to give him the benefit of probation for good conduct.

11. Accordingly, the instant revision petition stands disposed of with the following directions:-



- *The judgment dated 06.02.2014 passed by the learned Additional Sessions Judge, Rohtak, confirming the conviction of the petitioner is upheld.*
- *The order of sentence dated 05.08.2013 passed by the learned Judicial Magistrate Ist Class, Rohtak 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.*

12. Needless to say, in view of the Section 12 of Probation of Offenders Act, the judgment of conviction dated 03.08.2013 and order of sentence dated 05.08.2013 passed by learned Judicial Magistrate Ist Class, Rohtak and judgment dated 06.02.2014 passed by learned Additional Sessions Judge, Rohtak, shall not be a hurdle to petitioner, in any way, to get retiral benefits and other service benefits to which the petitioner is entitled to.

13. The High Court Legal Services Authority is directed to pay remuneration to learned *Amicus Curiae* as per rules.

2025:PHHC:077814



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

(HARPREET SINGH BRAR)
JUDGE

02.07.2025

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