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

1)

CRR-1890-2018

Date of decision: 21.01.2025

Hardeep Singh

....Petitioner

Versus

State of Punjab

...Respondent

2)

CRR-1635-2018

Date of decision: 21.01.2025

Ranjit Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Sarabjit Singh, Advocate
for the petitioner (in CRR-1890-2018).Mr. Shivender Pal, Advocate
for the petitioner (in CRR-1635-2018).

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of both the above mentioned revision petitions as they arise from identical factual matrix. However, for the sake of brevity, the facts are taken from CRR-1890-2018.

2. The present revisions are preferred against the judgment dated 10.01.2018 passed by the learned Additional Sessions Judge, Amritsar, vide which the appeal against judgment of conviction and order of sentence dated 19.12.2016 passed by the learned Judicial Magistrate 1st Class, Amritsar, in case



bearing FIR No.17 dated 17.01.2013 filed under Sections 223/224 of IPC registered at Police Station Jandiala Guru, Amritsar, has been upheld. The petitioners were sentenced as under:

Offence	Sentence
Section 223 of IPC	Fine of Rs.5000/- each, in default of which simple imprisonment for 03 months.

2. The facts in brief are that on 17.01.2013, Inspector Surjit Singh recorded his statement to ASI Buta Singh that accused persons, namely, Jassa Singh @ Ganja, Lakha Singh, Buta Singh, were to be produced in the Court of the learned Judicial Magistrate 1st Class in FIR No.55 dated 10.07.2011 under Sections 323/34 of IPC registered at Police Station Haryana, Hoshiarpur and the petitioners, namely, HC Hardeep Singh and HC Ranjit Singh and other accused were appointed to produce them who took the prisoners in the Government Canter No. PB02-AA-9647, driver of which was HC Amrik Singh No.211. The Police Line, Amritsar/Rural had appointed the above said officials/petitioners to take the under trial prisoners from Central Jail to the Court of learned Judicial Magistrate 1st Class, Hoshiarpur, to face the trial but when they had produced and returning back, at around 08:30 P.M., the officials stopped the canter and accused under trial who were in custody and handcuffed jumped from the canter and managed to escape but accused, namely, Buta Singh was caught by PHC Amrik Singh. It is further alleged that the petitioners had deliberately not performed their duty and allowed the under trial prisoners to escape from their custody. Thereafter, the FIR (*supra*) was registered.

3. After assessing the material available on record, the learned trial Court convicted the petitioners vide judgment dated 19.12.2016. Aggrieved by



the same, the petitioners preferred an appeal before the learned Appellate Court, which was dismissed vide judgment dated 10.01.2018.

4. Learned counsel for the petitioners submits that they are not assailing the impugned judgment of conviction dated 19.12.2016 on merits and restricts their prayer to modification of the order on quantum of sentence to that of the release of the petitioners on probation in view of their age and good conduct.

5. Learned State counsel does not object to the restricted prayer of the petitioners, so long as the conviction of the petitioners is upheld.

6. Having heard learned counsels for the parties and after perusing the record of the case with their able assistance, it transpires that petitioner-Hardeep Singh is 58 years and petitioner-Ranjit Singh is 52 years of age as on date.

7. Section 3 and 4 of the Probation of Offenders Act, 1958 empowers the Courts to release the convicts if deemed appropriate in view of circumstances of the case. Similarly, Sections 360 and 361 of the Cr.P.C also allows the Courts to release convicts 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.....”



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 facts and circumstances of the case, the instant revision petitions are disposed of in the following terms:-

1)The judgment dated 10.01.2018 passed by the learned Additional Sessions Judge, Amritsar, confirming the conviction of the petitioners is upheld.

2)The order of sentence dated 19.12.2016 passed by the learned Judicial 1st Magistrate, Amritsar is modified to the extent of granting the concession of probation to the petitioners for good conduct.

3)The petitioners shall be released on probation for good conduct on furnishing a personal bond of Rs.10,000/- each with a surety for the same amount, after furnishing an undertaking to keep the peace and good behaviour for a period of one year to the satisfaction of the concerned trial court.

4)The petitioners shall remain under the supervision of the concerned Probation Officer during the aforesaid period. If the

petitioners fail to comply with the said directions or commit breach of the undertaking rendered by them, **they shall be called upon to undergo the sentence imposed upon them by the learned trial Court.**

(HARPREET SINGH BRAR)
JUDGE

21.01.2025
Neha

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