

Date of decision: 15.05.2025

NEERAJ

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

VINAY @ VIJAY AND ANOTHER

...PETITIONERS

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravi Rana, Advocate for
Mr. Bhupender Singh, Advocate
for the petitioner in CRR-3505-2018.

Mr. J.P. Sharma, Advocate for the petitioners
in CRR-3594-2018.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. This order of mine shall dispose of both the above-mentioned petitions as both are arising out of the same FIR. For the sake of brevity, facts are borrowed from **CRR-3505-2018** titled as ***Neeraj vs. State of Haryana***.

2. The present revisions have been preferred against the judgment dated 12.09.2018 passed by learned Additional Sessions Judge, Karnal, whereby the judgment of conviction dated 23.04.2015 and order of sentence dated 24.04.2015 passed by the learned Judicial Magistrate Ist Class, Karnal, have been upheld in the case stemming from FIR No.772 dated 31.08.2011



registered under Sections 148/149/323/325/506 of IPC at Police Station City Karnal. The petitioners were sentenced as mentioned below:

Offence under Section(s)	Sentence
323/34 of IPC	SI for six months with a fine of Rs.1,000/- each in default of which, to undergo simple imprisonment for 02 months.
325/34 of IPC	SI for one and half years with a fine of Rs.5,000/- each in default of which, to undergo simple imprisonment for 06 months.
506 of IPC	SI for one month with a fine of Rs.2,000/- each in default of which, to undergo simple imprisonment for 10 days.
It was ordered that all sentences shall run concurrently.	

3. In brief, the case of the prosecution is that on 29.08.2011, the complainant along with Munish was present at Kaithal Road, Karnal, in front of petrol pump. At around 1:00 PM, accused persons came having *dandas* in their hands and gave him beatings on various parts of body. Hence, FIR (*supra*) was registered.

4. After assessing the material available on record, the learned trial Court convicted and sentenced the petitioners vide judgment and order dated 23/24.04.2015. Aggrieved by the same, the petitioners preferred an appeal, before learned lower Appellate Court, which was also dismissed.

5. Learned counsel for the petitioners submits that the petitioners are first time offenders and out of one and half years, they have undergone a period of more than three months of actual custody. He further submits that the petitioners have paid the compensation amount to the injured/complainant, in compliance of the order passed by this Court on 10.12.2018. Learned counsel submits that he is not assailing the impugned judgment of conviction



on merits and confines his prayer to the extent of granting the benefit of probation to the petitioners.

6. *Per contra*, learned State counsel opposes the prayer made by learned counsel for the petitioners and submits that they have 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.

7. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that petitioners are facing the agony of protracted trial for the last more than 13 years. Since their conviction, the petitioners have grown into law-abiding citizens and desire to live a peaceful life. Moreover, the petitioners have already undergone custody period of more than three months.

8. 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.”

Further still, a two Judge Bench of the Hon'ble Supreme Court in ***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. 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 12.09.2018 passed by learned Additional Sessions Judge, Karnal confirming the conviction of the petitioners is upheld.
- 2) The order of sentence dated 24.04.2015 passed by learned Judicial Magistrate Ist Class, Karnal, 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/- with a surety each for the same amount within four weeks, 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.

11. A photocopy of this order be placed on the file of other connected case.

May 15, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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