

254

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2715-2024 (O&M)

Date of decision: 06.02.2025

Sunil @ Sunil Kumar

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present revision petition is preferred against the judgment of conviction dated 26.11.2024 and order of sentence dated 28.11.2024 passed by the learned Additional Sessions Judge, Bhiwani, vide which the petitioner has been convicted and sentenced to undergo rigorous imprisonment in case bearing FIR No.309 dated 12.12.2014 under Sections 323/324/452/506 of IPC registered at Police Station Siwani. The petitioner was sentenced as under:

Offence	Sentence
Section 323	Rigorous imprisonment for 06 months along with fine of Rs.500/-, in default of which simple imprisonment for 02 weeks.
Section 324 of IPC	Rigorous imprisonment for 02 years along with fine of Rs.500/-, in default of which simple imprisonment for 02 months.
Section 452 of IPC	Rigorous imprisonment for 03 years along with fine of Rs.2000/-, in default of which simple imprisonment for 06 months.

It was ordered that all the sentences shall run concurrently.

**CRR-2715-2024****-2-**

2. The facts in brief are that accused and complainant are related to each other. On 11.12.2014, when the injured/complainant/respondent No.2 went to sleep at around 08:30 P.M., the accused/petitioner-Sunil who was armed with knife along with two other persons, entered his bedroom. Thereafter, he attacked the complainant with knife on his left ear, forehead, stomach and neck and the other two persons started beating the complainant. It is further alleged that since there was no electricity in the village, due to darkness, he could not recognize the other two accused persons. Thereafter, the brother of the complainant, namely, Subhash, who came for some work, rescued the complainant. It is further submitted that the wife of the complainant has also suffered injuries. Thereafter, the FIR (*supra*) was registered.

3. After assessing the material available on record, the learned trial Court acquitted the accused/petitioner of the charges levelled against him by extending the benefit of doubt. Thereafter, aggrieved by the same, the injured/complainant/respondent No.2 preferred an appeal before the learned lower Appellate Court, vide which the petitioner has been convicted and sentenced vide judgment dated 26.11.2024 and order of sentence dated 28.11.2024.

4. Learned counsel for the petitioner submits that he is not assailing the impugned judgment of conviction dated 26.11.2024 on merits and restricts his prayer to modification of the order on quantum of sentence dated 28.11.2024 to that of the release of the petitioner on probation in view of his good conduct.



CRR-2715-2024

-3-

5. Learned State counsel opposes the prayer of the petitioner on the ground that learned Appellate Court has passed a well reasoned judgment based on correct appreciation of evidence available on record and as such, he does not deserve any leniency. However, he could not controvert the fact that the petitioner is not involved in any other case.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that petitioner-Sunil Kumar is 29 years of age.

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 petition is disposed of in the following terms:-

1)The judgment dated 26.11.2024 passed by the learned Additional Sessions Judge, Bhiwani, vide which the petitioner has been convicted, is upheld.

2)The order of sentence dated 28.11.2024 passed by the learned Additional Sessions Judge, Bhiwani, is modified to the extent of granting the concession of probation to the petitioner for good conduct.

3)The petitioner shall be released on probation for good conduct on furnishing a personal bond of Rs.10,000/- 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, within a period of two weeks.

4)The petitioner shall remain under the supervision of the concerned Probation Officer during the aforesaid period. If the petitioner fails to comply with the said directions or commit breach of the undertaking rendered by him, he shall be called upon to undergo the sentence imposed upon him by the learned trial Court.

(HARPREET SINGH BRAR)
JUDGE

06.02.2025
Neha

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