



\$~13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 636/2017

MAAN SINGH @ RAJ

.....Appellant

Through: Mr. Ankur Sood, Mr. Prajwal Suman,
Mr. Dhaman Trivedi Advocates
(through VC)

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with PSI Bhanu, PS Rohini

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

18.12.2025

1. By way of the present appeal, the appellants seek to assail the judgment of conviction dated 03.02.2017 and order on sentence dated 10.02.2017 passed by the Additional Sessions Judge, North District, Rohini Courts, Delhi in SC No. 57375/2016, arising out of FIR No. 157/2010 registered at P.S. North Rohini under Sections 395/397/412/120B IPC & 25/27 Arms Act.
2. Vide order on sentence, appellant was directed to undergo rigorous imprisonment for a period of three years with a fine of Rs. 1000/- for the offence punishable under Section 392/34 IPC, with a default sentence of six months simple imprisonment and to undergo rigorous imprisonment for a period of seven years with a fine of Rs.1000/- for the offence punishable under Section 397 IPC, with a default sentence of six months simple imprisonment. All sentences were to run concurrently, with the benefit of Section 428 Cr.P.C being extended to the appellants.



3. Briefly, the prosecution case is that on 22.06.2010, at about 10:45 am complainant Narender Jain (PW1) was present in his office with his nephew Sandeep (PW2) and one customer Naresh Kumar (PW4). He handed them over sum of Rs. 1,80,000/- which Naresh had kept on the table. One another Naresh, who was an employee of Narender, was also present. Suddenly, 4 boys entered his office. At gun and knife point, they committed robbery of cash and gold jewellery worn by him. They also threatened them not to raise alarm.

4. In total, the prosecution examined 25 witnesses, including injured/complainant and the two customers. All the witnesses identified the appellant Maan Singh and attributed specific role of being armed with pistol at that time and pointing it on Narender while threatening to kill them and asking them to hand over everything they had. Trial court considered the testimony of PW-1 to PW-4 and held that there was nothing on record to disbelieve their deposition. Trial Court also took note of recovery of robbed chain (Ex.P-1) from the appellant.

5. The statement of the appellant was recorded under Section 313 Cr.P.C. on 25.11.2016, wherein he denied the prosecution case and claimed false implication.

6. It is seen from the testimonies of PW1 to PW4 that all of them have identified the appellant. Further, the role of pointing out pistol was also consistently stated by the witnesses. Thus, this Court does not find any ground to interfere with the finding on their conviction rendered by the Trial Court.

7. Learned counsel for the convict Maan Singh @ Raj, on instructions, submits that the convict is not involved in any other criminal case and has



undergone more than 6 years of incarceration. He further submits that the convict does not wish to press any challenge to the conviction on merits and confines his prayer to seeking release on probation. Further it is stated that a lenient view be taken, considering the family circumstances of the appellant. Lastly, it is submitted that the fine amount also stands duly paid.

8. Learned APP or the State submitted a status report regarding previous involvements of the appellant, which is taken on record. According to the said report, the appellant had three involvements but he stands acquitted in two of them and one of them had a cancellation report filed, which was accepted by the court. However, no other case is pending.

9. Pursuant to the directions of this Court, a Status Report and Social Investigation Report (SIR) have been placed on record in respect of the appellant Maan Singh @ Raj. The reports indicate that the appellant is a married man, residing with his wife and three minor children at Block-G, Lakshmi Park, Nangloi, Delhi, where he has been living for several years. He has been residing in Delhi for over three decades, though his native place is Agra, Uttar Pradesh. The SIR records that the appellant is 12th pass and is presently working as a driver with Ola/Uber and also as a part-time property dealer, earning approximately Rs. 15,000 per month. He is stated to be the sole breadwinner of the family. The home environment is described as stable, with adequate basic facilities. Neighbours interviewed by the Probation Officer have stated that they have known the appellant for several years and consider him to be a person of good moral conduct. The SIR notes that the appellant does not consume alcohol or intoxicating substances, his behaviour and temperament were found to be calm and normal during the interaction, and his physical and mental health is stated to be normal. The



report further records that while the appellant maintains that he was not present at the place of occurrence, there is scope for behavioural reform and social reintegration. The Probation Officer has observed that the appellant has family support, a stable social background, and potential for improvement and rehabilitation.

10. The underlying object of releasing offenders on probation is to facilitate their reintegration into society as law-abiding citizens, fostering self-reliance and aiding in their reformation. A testament to the importance of this provision is that the Supreme Court in Lakhvir Singh & Ors. Vs. State of Punjab & Anr.,¹, has extended the benefits of the Probation Act even to convicts who had not completed the mandatory minimum sentence of seven years as prescribed in Section 397 IPC, since IPC was enacted before the Probation Act came into being. The relevant extract is reproduced hereunder:-

“16. ... A more nuanced interpretation on this aspect was given in CCE v. Bahubali¹⁵. It was opined that the Act may not apply in cases where a specific law enacted after 1958 prescribes a mandatory minimum sentence, and the law contains a non obstante clause. Thus, the benefits of the Act did not apply in case of mandatory minimum sentences prescribed by special legislation enacted after the Act.¹⁶ It is in this context, it was observed in State of M.P. v. Vikram Das⁶ that the court cannot award a sentence less than the mandatory sentence prescribed by the statute. We are of the view that the corollary to the aforesaid legal decisions ends with a conclusion that the benefit of probation under the said Act is not excluded by the provisions of the mandatory minimum sentence under Section 397 IPC, the offence in the present case. In fact, the observation made in Joginder Singh v. State of Punjab¹⁷ are in the same context.

...

18. We, thus, release the appellants on probation of good conduct under Section 4 of the said Act on their completion of half the sentence and on their entering into a bond with two sureties each to ensure that they maintain peace and good behaviour for the remaining part of their

¹ (2021) 2 SCC 763



sentence, failing which they can be called upon to serve that part of the sentence.”

11. Pertinently, in the present case, the convict Maan Singh @ Raj stands convicted for the offence punishable under Section 397 IPC, which prescribes a mandatory minimum sentence of seven years’ rigorous imprisonment. In the present case, the offence is under Section 392/397/34 IPC. It is pertinent to note that Section 392/34 IPC does not prescribe any minimum sentence. Though, Section 397 IPC prescribes a minimum sentence of 7 years, the appellant has undergone more than 6 years of custody. Nevertheless, it is well settled that the provisions of the Probation of Offenders Act, 1958 are to be read harmoniously with the provisions of the Indian Penal Code, and that the benefit of probation can be extended wherever the statute does not specifically exclude its operation or prescribe a compulsory minimum punishment. The bar on the application of the Act arises only where a special statute enacted after 1958 prescribes a mandatory minimum sentence coupled with a non obstante clause and hence, this Court retains discretion to extend the benefit of probation to the appellant, provided the circumstances justify such relief.

12. Accordingly, while taking note of the submissions made on behalf of the appellant regarding his family circumstances, the absence of any adverse material on record, and the fact that the fine amount stands duly deposited as recorded in the nominal roll, this Court is persuaded to adopt a reformatory approach. Therefore, the substantive sentence of imprisonment imposed upon the appellant is modified to the extent that he shall be released on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958, upon furnishing a probation bond in the sum of Rs.10,000/- with



one surety of the like amount, to the satisfaction of the Trial Court, within six weeks from today. The appellant shall be on probation for a period of 1 year. He shall maintain peace and good behaviour during the period of probation and shall not commit any offence.

13. It is made clear that in the event of any breach of the conditions of probation, or involvement in any other offence during this period, the benefit granted under this order shall stand revoked, and the appellant shall be liable to undergo the remaining portion of the substantive sentence as originally awarded by the Trial Court.

14. The appeal stands disposed of in the above terms.

15. The bail bonds furnished on behalf of the appellant stand cancelled and sureties accordingly be discharged.

16. A copy of this judgment be communicated to the concerned Trial Court, the Probation Officer, and Jail Superintendent, for information and compliance.

MANOJ KUMAR OHRI, J

DECEMBER 18, 2025

kb