



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

Sr.No.138

**CRR-588-2026 (O&M)
Decided on : 11.03.2026**

Rajesh Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Ashit Malik, Senior Advocate with
Mr. Abhinav Kansal, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Senior DAG, Haryana.

Mr. Aman Pal, Senior Advocate with
Ms. Neha Rani, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. The instant revision petition is directed against the judgment dated 23.02.2026, passed by the Court of learned Additional Sessions Judge, Kurukshetra, dismissing the appeal filed by the petitioner against the judgment of conviction dated 16.03.2018 and order on quantum of sentence dated 17.03.2018, passed by the Court of learned Judicial Magistrate Ist Class, Kurukshetra (hereinafter referred to as '**learned trial Court**'), arising out of FIR No. 739 dated 15.11.2012, registered under Sections 323, 506, 34 IPC, at Police Station City Thanesar, whereby the petitioner was held guilty for the commission of offence under Section 323 read with Section 34 IPC



and was sentenced to undergo simple imprisonment for 06 months and to pay a fine of Rs.1,000/- and in default thereof to further undergo simple imprisonment for 15 days.

2. At this juncture, learned counsel for the petitioner submits that he is not challenging the sentence and confines his prayer that the revision petition be considered for extending the benefit of probation to the petitioner considering prolonged trial and no criminal antecedents post conviction in the present FIR.

3. Since the learned counsel is not challenging the impugned judgments passed by the Courts below on its merit and seeking benefit of probation, the sole consideration before this Court is as to whether the prayer made by the petitioner for extending benefit of probation can be accepted or not?

4. Before proceeding to consider the prayer made by the petitioner for release of the accused on probation, it is apposite to refer to the legal position on the subject. The aims and objectives of the Probation of Offenders Act were authoritatively laid down by the Hon'ble Supreme Court in ***Jugal Kishore Prasad v. State of Bihar, AIR 1972 SC 2522***. Hon'ble Supreme Court while considering the scope of the Probation Act had held as under:-

"The Probation of Offenders Act was enacted in 1958 with a view to provide for the release of offenders of certain categories on probation or after due admonition and for matters connected therewith. The object of the Act is to prevent the conversion of youthful offenders into obdurate criminals as a result of their association with hardened criminals of mature age in case the youthful offenders are sentenced to undergo imprisonment in jail. The above object is in consequence with the present trend



in the field of penology, according to which effort should be made to bring about correction and reformation of the individual offenders and not to resort to retributive justice. Modern criminal jurisprudence recognizes that no one is a born criminal and that a good many crimes are the product of socio-economic milieu. Although not much can be done for hardened criminals, considerable stress has been laid on bringing about reform of young offenders not guilty of very serious offences and of preventing their association with hardened criminals."

5. Reliance can also be placed upon ***Isher Das v. State of Punjab, AIR 1972 Supreme Court 1295*** and ***Arvind Mohan Sinha v. Amulya Kumar Biswas and others, 1974 AIR (SC) 1818***, wherein Hon'ble Supreme Court had taken the similar view. Relevant paragraph of ***Arvind Mohan Sinha's*** case (supra) reads as under:-

"The Probation of Offenders Act is a reformatory measure and its object is to reclaim amateur offenders who, if spared the indignity of incarceration, can be usefully rehabilitated in society. A jail term should normally be enough to wipe out the stain of guilt but the sentence which the society passes on convicts is relentless. The ignominy commonly associated with a jail term and the social stigma which attached to convicts often render the remedy worse than the disease and the year purposes of punishment stands in the danger of being frustrated. In recalcitrant cases punishment has to be deterrent so that others similarly minded may warn themselves of the hazards of taking to a career of crime. But the novice who strays into the path of crime ought, in the interest of society, be treated as being socially sick. Crimes are not always rooted in criminal tendencies and their origin may lie in psychological factors induced by hunger, want and poverty. The Probation of Offenders Act recognises the importance of environmental influence in the commission of crimes and prescribes a remedy



whereby the offender can be reformed and rehabilitated in society. An attitude of social defiance and recklessness which comes to a convict who, after a jail term, is apt to think that he has no more to lose or fear may breed a litter of crime. The object of the Probation of Offenders Act is to nip that attitude in the bud. Winifred A Sikin describes probation as a system which provides a means of re-education without the necessity of breaking up the offender's normal life and removing him from the natural surroundings of his home. (English Juvenile Courts (1938) page 162) Edwin R. Sutherland raises it to a status of a convicted offender. (Principles of Criminology, 4th Edn. (1947) page 383)."

6. The primary objective of probation laws is to provide an opportunity for reformation to offenders who are not habitual or hardened criminals, but who have committed offences under momentary weakness or due to compelling circumstances. Such provisions aim to prevent the stigma and adverse influence of incarceration, while also addressing the issue of prison overcrowding. Section 360 Cr.P.C. empowers the Court to release an accused on probation of good conduct or after admonition. Section 361 Cr.P.C. mandates that if the Court chooses not to extend such benefit, despite its applicability, it must record special reasons in the judgment.

7. A conjoint reading of the Probation of Offenders Act reveals that Section 4, by virtue of its non-obstante clause, has overriding effect. Where the conditions stipulated therein are satisfied, the Court is vested with ample discretion to release a first-time offender of a minor offence on probation, considering the nature of the offence, age, antecedents, and surrounding circumstances, in lieu of sentencing him to imprisonment.

8. Now advertent to the facts of the present revision petition, the petitioner has been held guilty by the trial Court for the commission of



offence punishable under Section 323 read with Section 34 IPC of IPC in the year 2018 and against the said conviction, he filed an appeal which was also dismissed vide order dated 23.02.2026. The petitioner then filed a revision petition before this Court. The petitioner is facing the agony of trial for the last about 13 years. Much water has flown since then. The petitioner is having no criminal antecedents. Further, the petitioner has never misused the concession of bail granted to him and has prayed for release on probation on the ground that the petitioner is having no criminal antecedents. The petitioner has already undergone substantive sentence of 18 days and has no criminal antecedents.

9. Therefore, in totality of facts after taking into consideration the agony and trauma faced by the petitioner during protracted trial, appeal, his antecedents, nature of offence and other emanating circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner behind bars to serve the remaining sentence.

10. Accordingly, it is directed that the petitioner shall be released on probation, subject to his furnishing necessary surety bonds/bail bonds to the satisfaction of the concerned Trial Court/Duty Magistrate/CJM within a period of one month from the date of this order. The release shall be subject to the condition that the petitioner shall maintain peace and be of good behaviour for a period of two years from the date of this order. The petitioner shall also disclose his current residential address and contact number before the learned Trial Court by way of an affidavit at the time of furnishing the bonds. It is further made clear that in the event, the petitioner is found to be involved in any unlawful activity during the probation period,



the sentence imposed by the learned Trial Court shall automatically stand revived.

11. As such, the instant revision petition is hereby dismissed on merits and the impugned judgment of conviction is upheld. However, the order of sentence is accordingly modified to the extent and in the manner depicted hereinabove.

12. Pending miscellaneous application(s), if any, stand(s) disposed of, accordingly.

11.03.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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