



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

**CRR-799-2004 (O&M)**

Date of decision: 20<sup>th</sup> August, 2025

Charanjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Inderjeet Sharma, Advocate for the petitioner.

Mr. H.S. Deol, Sr. Dy. Advocate General, Punjab  
for the respondent/State.

**MANJARI NEHRU KAUL, J.**

1. The instant revision petition has been filed to impugn the judgment of conviction and order of sentence dated 23.10.1999 passed by the Court of learned Sub Divisional Judicial Magistrate, Pathankot vide which the petitioner was convicted under Section 411 of the IPC and was sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of ₹ 5000/-, and in default of payment of fine to further undergo rigorous imprisonment for six months.

2. The appeal preferred against the impugned judgment of conviction and order of sentence was dismissed by the Court of learned Addl. Sessions Judge (Adhoc), Gurdaspur vide judgment dated 20.03.2004.

3. Learned counsel for the petitioner, at the very outset, submits that he does not wish to assail the findings of conviction recorded by the learned trial Court on merits and confines his submissions only to the quantum of sentence. It is contended that the occurrence in question dates

back to 24.08.1993, i.e. more than 3 decades ago, and that the petitioner has been facing the agony of prolonged trial and appellate proceedings ever since. Learned counsel points out that the petitioner was released on bail after the trial and, during the last 32 years, has not been involved in any other criminal case. It is urged that, in view of his unimpeachable conduct during the long intervening period, the petitioner deserves the benefit of probation, which would subserve the ends of justice better than sending him back to custody at this stage.

4. Per contra, learned State counsel, while opposing the prayer for leniency, submits that specific secret information had been received by the authorities regarding the petitioner having taken delivery of iron bars from the godowns of Punjab State Electricity Board (PSEB) and arranging their transportation to another destination. It is, thus, contended that the petitioner does not deserve the benefit of probation, keeping in view the nature of the allegations proved against him.

5. I have heard learned counsel for the parties and perused the impugned judgment dated 23.10.1999 passed by the learned trial Court, as also the judgment of the lower appellate Court affirming the conviction. Both the Courts below have concurrently recorded the guilt of the petitioner on the basis of cogent evidence, and this Court finds no perversity or illegality in the findings of conviction so returned.

6. The only question that falls for consideration, therefore, is whether the petitioner deserves to be released on probation in terms of the provisions of the Probation of Offenders Act 1958 (hereinafter referred to as, 'the Act').

7. The Act empowers the Court, having regard to the circumstances of the case, the nature of the offense, and the character of the offender, to release a convict on probation of good conduct instead of sentencing him to imprisonment. The underlying principle of probation is

reformatory rather than retributive recognizing that, in appropriate cases, rehabilitation and reformation of the offender can serve the cause of justice better than deterrent incarceration. The Hon'ble Supreme Court, in a catena of decisions, has emphasized that where the offender has demonstrated a long-standing good conduct, has remained away from criminal activity, and the passage of time has effaced the sting of the original offense, the benefit of probation ought not to be denied unless there exist compelling circumstances to do so.

8. In the present case, the following circumstances assume significance:

- (i) The occurrence took place in August 1993, and more than 32 years have since elapsed.
- (ii) During this long interregnum, the petitioner has faced the rigours of criminal proceedings, including the trial and appellate processes.
- (iii) As fairly conceded by the learned State counsel, the petitioner has not been involved in any other criminal case since the occurrence, nor has he misused the concession of bail granted to him for over 3 decades.
- (iv) The continued law-abiding conduct of the petitioner clearly reflects that he has had ample opportunity for introspection and reform.

9. In these circumstances, this Court is conscious that while deterrence remains one of the objects of punishment, the equally significant principle of reformatory justice cannot be overlooked. The long passage of time, coupled with the sustained good conduct of the petitioner, persuades this Court to hold that sending him back to prison at this distant stage would not only fail to serve the ends of justice, but may also prove counterproductive. The interest of justice would, on the

contrary, be advanced by extending to him the benefit of probation, thereby balancing the punitive element of law with the objective of rehabilitation.

10. Accordingly, while upholding the conviction of the petitioner as recorded by the Courts below, this Court directs that the petitioner be released on probation of good conduct under Section 4 of the Act, on his entering into a bond with one surety to the satisfaction of the trial Court, undertaking to maintain peace and good behaviour for a period of one year.

11. The revision petition is disposed of in the aforesaid terms.

12. The application(s), if any, pending in the present case, also stand disposed of.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**August 20, 2025**

*rps*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No