



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

**CRR-906-2014**

**Date of Decision: May 15, 2025**

**Hans Raj and others**

**...Petitioners**

**Versus**

State of Punjab

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. H.S. Randhawa, Advocate for the petitioners.

Ms. Pratibha Bali, AAG, Punjab.

**DEEPAK GUPTA, J.(Oral)**

The four petitioners, namely, Hans Raj, Surinder Kumar alias Kala, Binder Kumar and Malkiat Singh were tried by learned Judicial Magistrate 1st Class, Sunam, in a case arising out of FIR No.29 dated 12.03.2007, under Sections 452, 323, 324 and 34 IPC, registered at Police Station Dirba and after completion of trial, they were convicted under Sections 452/323/324 vide judgment dated 22.10.2011. Vide a separate order of even date, the four petitioners were sentenced as under:-

Sr. No.	Offence	Sentence (R.I)	Fine	Further sentence in case of non-payment of fine
<b>Surinder Kumar</b>				
1.	452 IPC	03 months	--	--
2.	323 IPC	01 month	--	--
3.	324 IPC	03 months	--	--
<b>Hans Raj</b>				
1.	452 IPC	03 months	--	--
2.	323 IPC	01 month	--	--
<b>Binder Kumar</b>				
1.	452 IPC	03 months	--	--
2.	323 IPC	01 month	--	--
<b>Malkiat Singh</b>				
1.	452 IPC	03 months	--	--
2.	323 IPC	01 month	--	--

2. It is thus evident that the maximum sentence imposed upon the petitioners is 03 months. The appeal filed against the judgment of conviction and order of sentence was dismissed by the Appellate Court and

so the petitioners have approached this Court by way of present revision petition.

3. At the outset, learned counsel for the petitioners submits that he does not contest the conviction of the petitioners, but prays to release the petitioners on probation, submitting that the Courts below have not considered the provisions of Section 360 Cr.P.C.

4. As per custody certificates placed on record by learned State counsel, all the petitioners have already undergone custody period of 27 days.

5. Having regard the nature of the offence and the fact that the occurrence had taken place in the year 2007, i.e. more than 18 years back, the prayer is accepted. All the petitioners are directed to be released on probation for the remaining period of sentence on their furnishing probation bonds in the sum of ₹25,000/- with one surety of the like amount each to the satisfaction of the concerned Chief Judicial Magistrate. The said bonds are to be furnished within a period of four weeks from today. On the failure of the petitioners to do so, they will have to undergo remaining sentence. The amount of fine as imposed upon them, if already paid, shall be considered as prosecution cost. It is further made clear that the conviction of petitioners as maintained by this Court will not entail any disqualification, in view of Section 12 of the Probation and Offenders Act, 1958.

Disposed of.

**May 15, 2025**

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**(DEEPAK GUPTA)  
JUDGE**

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No