

**304 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRA-S-2471-SB-2009****Date of Decision: April 04, 2025****Kailash Chand****... Appellant****Versus**

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Aditya Sanghi, Advocate for the appellant.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

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

In a case arising out of FIR No.152 dated 19.06.2008, registered under Section 135 of the Electricity Act, at Police Station Kaniana, accused- Kailash Chand was convicted by learned Judge, Special Court, Narnaul, vide judgment dated 22.09.2009. He was sentenced to undergo rigorous imprisonment for a period of 01 year and to pay a fine of ₹25,000/-, with default sentence of 06 months rigorous imprisonment in case of non-payment of fine for committing offence under Section 135 of the Electricity Act.

2. Against the aforesaid conviction and sentence, present appeal was filed.

3. Today statement is made by learned counsel for the appellant, so as to withdraw the present appeal qua judgment of conviction; and confines his prayer only against the order of sentence. He makes prayer for releasing the appellant on probation.

4. It is contended by learned counsel for the appellant that occurrence had taken place way back in 2008, i.e. more than 16 years back for committing theft of electricity. The sentence of appellant was suspended on 21.10.2009, i.e. more than 15 years back.

5. In view of the aforesaid statement made by learned counsel for the appellant, present appeal against judgment of conviction is hereby dismissed as withdrawn.

6. As far as the order of sentence is concerned, having noticed all the facts and circumstances as pointed out by learned counsel and the nature of offence, this Court finds it to be a fit case to grant the benefit of

Section 4 of the Probation and Offenders Act, 1958. As such, appellant – Kailash Chand is directed to be released on probation for the remaining period of sentence on furnishing probation bonds in the sum of ₹25,000/- with one surety of the like amount 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 appellant to do so, he will have to undergo remaining sentence. It is further made clear that the conviction of appellant – Kailash Chand as maintained by this Court will not entail any disqualification, in view of Section 12 of the Probation and Offenders Act.

Disposed of.

**April 04, 2025**

sarita

**(DEEPAK GUPTA)  
JUDGE**

Whether reasoned/speaking:  
Whether reportable:

Yes/No  
Yes/No