

IN THE COURT OF NITIN RAJ,
ADDITIONAL SESSIONS JUDGE, NARNAUL UID NO.HR-0287

Criminal Appeal No. : 153 of 2018
Date of Institution : 02.08.2018
Date of Decision : 09.07.2026
CIS No. : CRA/153/2018
CNR No. : HRNR01-005393-2018

Devender Kumar son of Sh. Om Parkash, resident of Mohalla Mahal,
Misharwara, Tehsil Narnaul, District Mahendergarh.

.....Appellant-complainant

Versus

1. Yadvender @ Rinku son of Sh. Narender Kumar resident of Mohalla
Gastiwara, Narnaul Tehsil Narnaul District Mahendergarh.

....Respondent-accused

2. State of Haryana.

....Proforma respondent

Appeal against the judgment dated 13.07.2018

Present: Shri Oshank Shandilya, Advocate for appellant
Shri. Rakesh Kaushik, Advocate for respondent no.1
Shri Dilawer Singh APP for the State/ respondent no.2

Order on quantum of sentence:

Heard on the quantum of sentence.

2. It has been pleaded by learned counsel for the convict that lenient view be taken while awarding sentence. It has been further pleaded that the convict is first time offenders and no other criminal case is registered against him. It has been further pleaded that convict is facing trial since 2015, therefore, he be released on probation.

3. On the other hand, it has been pleaded by learned counsel for the appellant/complainant that convict do not deserve any leniency as convict has assaulted the victim and he is liable to be punished with maximum sentence.

It would be appropriate to quote relevant portion of Section 4 of the Probation of Offenders Act as follows:

"4. Power of court to release certain offenders on probation of good conduct- (1) When any person is found guilty of, having committed an offence not punishable with death or imprisonment for life and the court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called

upon during such period, not exceeding three years, as the court may direct, and in the meantime to keep the peace and be of good behaviour:

Provided that the court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.

In Chuni Lal Versus State of Haryana 2006(1) RCR (Cr1.)

844, Hon'ble Punjab & Haryana High Court laid down grounds where offender may be released on probation as follows:

- (I) Having remained on bail for a sufficiently long period,
- (ii) Accused not a previous convict and did not indulge in any criminal activity during the post conviction period,
- (iii) Faced agony of trial for a considerable long period, and

4. In the present case, it is evident that the convict is neither hardened criminals nor habitual offender. He is not previous convict and is suffering the agony of trial since year 2015. Therefore, this Court is of the view that it is a fit case where the benefit of Probation of Offenders Act can be extended to the convict. Keeping in view the nature of the offences committed and the antecedents of the convict, he deserve to be released on probation of good conduct instead of being sentenced to undergo any imprisonment. He is ordered to be released on probation of good conduct for a period of one year, on his furnishing bonds in the sum

of ₹.50,000/- with one surety in the like amount to the satisfaction of learned trial court, within period of one month from today. He is further directed to keep peace and maintain good conduct and behaviour during the aforesaid period. In case of default, he shall make himself available to receive the sentence as and when called upon.

The convict is also directed to pay a sum of ₹.50,000/- as compensation under Section 5(1) (a) of the Probation of Offenders Act to the injured within a period of one month from today, in default thereof, the convict shall be liable to undergo simple imprisonment for a period of one month.

5. For the reasons discussed above, the court is of the considered view that findings of learned trial court are reversed. Accordingly, the present appeal is hereby allowed. Trial court record along with copy of this judgment be sent back to the court concerned for necessary compliance. File be consigned to record room after due compliance.

Announced in open court:

Dated: 09.07.2026

Nitin Raj
Addl. Sessions Judge
Narnaul, UID No. HR-0287

Meena Stenographer Gr-I

Nitin Raj
ASJ Narnaul 09.07.2026

Present: Shri Oshank Shandilya, Advocate for appellant
Shri. Rakesh Kaushik, Advocate for respondent no.1
Shri Dilawer Singh APP for the State/ respondent no.2

Arguments on quantum of sentence heard. Order pronounced.

Vide my separate order of even date, the convict, has been released on probation for a period of one year, on his furnishing bonds in the sum of ₹.50,000/- with one surety in the like amount to the satisfaction of learned trial court, within period of one month from today. The convict is further directed to keep peace and maintain good conduct and behaviour during the aforesaid period. In case of default, he shall make himself available to receive the sentence as and when called upon.

The convict is also directed to pay a sum of ₹.50,000/- as compensation under Section 5(1) (a) of the Probation of Offenders Act to the injured within a period of one month from today, in default thereof, the convict shall be liable to undergo simple imprisonment for a period of one month.

Trial court record along with copy of this judgment be sent back to the court concerned for necessary compliance. File be consigned to record room after due compliance.

Announced in open court:

Dated:09.07.2025

Nitin Raj
Addl. Sessions Judge
Narnaul, UID No. HR-0287

Meena Stenographer Gr-I

Nitin Raj
ASJ Narnaul 09.07.2026