

(217) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRR-1719-2015
Date of Decision: 02.12.2022

Raghbir Singh

... Petitioner

Versus

Karnail Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. G.S. Sandhu, Advocate
for respondent Nos.1 to 5.

Mr. Neeraj Poswal, Asst. A.G., Haryana
for respondent No.6.

JASJIT SINGH BEDI, J.

The brief facts of the case are that five persons namely, Karnail Singh (respondent No.1), Satnam Singh (respondent No.2), Angrej Singh alias Binder (respondent No.3), Vakinder Singh alias Vikki (respondent No.4) and Jaj Singh alias Billu (respondent No.5) were convicted in FIR No.384 dated 20.11.2009 registered under Sections 148, 149, 323, 325 and 506 IPC at Police Station Kunjpura, Karnal and sentenced as under:-

Offence	Rigorous imprisonment
Under Section 325/149 IPC	To undergo rigorous imprisonment for 1 year and to pay fine of Rs.500/- each and in default of the payment of fine, to undergo rigorous imprisonment for one month.
Under Section 325/149 IPC	To undergo rigorous imprisonment for 03 years and to pay fine of Rs.500/- each and in default of the payment of fine, to undergo rigorous imprisonment for one month.

Under Section 506/149 IPC	To undergo rigorous imprisonment for 01 year and to pay fine of Rs.500/- and in default of the payment of fine, to undergo rigorous imprisonment for one month.
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Respondent Nos.1 and 2 namely, Karnail Singh and Satnam Singh were also sentenced as under:-

Offence	Rigorous imprisonment
Under Section 147 IPC	To undergo rigorous imprisonment for 1 ½ years and to pay fine of Rs.500/- each and in default of the payment of fine, to undergo rigorous imprisonment for one month.

Respondent Nos.3 to 5 namely, Angrej Singh @ Binder, Vakinder Singh @ Vikki and Jaj Singh @ Billu were also sentenced as under:-

Offence	Rigorous imprisonment
Under Section 148 IPC	To undergo rigorous imprisonment for 02 years and to pay fine of Rs.500/- each and in default of the payment of fine, to undergo rigorous imprisonment for one month.

2. In an appeal filed by the aforementioned accused, vide judgment dated 02.02.2015 the Additional Sessions Judge, Karnal upheld the conviction but released them on probation for a period of 06 months on furnishing requisite bonds in the sum of Rs.50,000/- with one surety each in the like amount subject to the condition that they would maintain peace and harmony and be of a good behaviour for a period of six months.

3. Against the aforementioned judgments, the complainant-Raghubir Singh preferred this revision petition challenging the grant of probation to respondent Nos.1 to 5 and seeking enhancement of sentence including sentence of imprisonment to be awarded.

4. The learned counsel for the petitioner submits that an order of probation could only have been passed after receipt of report from Probation Officer. He relies on the judgment of the Hon'ble Supreme Court titled as **MCD Versus State of Delhi and another, 2005(3) RCR (Criminal) 13.**

5. The learned counsel for the State has supported the case of the petitioner contending that the sentence of respondent Nos.1 to 5 be enhanced from grant of probation to the awarding of sentence of imprisonment.

6. On the other hand, the learned counsel for respondent Nos.1 to 5 has placed reliance on the judgments of this Court in **Rajinder Singh Versus State of Haryana & others passed in CRM-M-249-2013 dated 27.08.2018** to contend that once the probation period is over the present petition has been rendered infructuous.

7. I have heard the learned counsel for the parties at length.

8. This Court in **Rajinder Singh Versus State of Haryana & others passed in CRM-M-249-2013 dated 27.08.2018**, held as under:-

“The judgment of the learned Additional Sessions Judge, Kaithal is dated 27.10.2012, thus, respondent No.2 and 3 have already undergone sentence of probation imposed upon them and, therefore, no reason arises for me to go into the legality or propriety of the impugned judgment.

The present petition stands disposed of as having been rendered infructuous.”

9. In the present case, the judgment of the Additional Sessions Judge, Karnal is dated 02.02.2015 and therefore, the respondent Nos.1 to 5 have already undergone the sentence of probation imposed upon them.

Therefore, there is no requirement for this Court to go into the legality or propriety of the impugned judgment.

10. However, vide order dated 23.11.2022, respondent Nos.1 to 5 were directed to give a draft of Rs.50,000/- to the petitioner complainant/injured in terms of the order dated 02.03.2022. In compliance of the said order, the photocopy of the draft has been placed on record.

11. In view of the above, the present petition is disposed of as having been rendered infructuous though an amount of Rs.50,000/- stands paid to the petitioner/complainant.

(JASJIT SINGH BEDI)
JUDGE

02.12.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No