

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

CRR-5009-2015
Date of Decision: 13.09.2022

Gurdial Singh
... Petitioner

Versus

State of Punjab & another
...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sunny K. Singla, Advocate
for the petitioner.

Mr. Ravinder Singh, Asstt. A.G., Punjab.

Mr. H.S. Randhawa, Advocate for respondent Nos.2 to 4.

JASJIT SINGH BEDI, J.

The brief facts of the case are that four persons namely, Harbans Singh, respondent No.2-Manjit Singh, respondent No.3-Kamaljit Singh and respondent No.4-Tejwinder Singh were convicted in FIR No.116 dated 28.05.2006 and sentenced as under:-

Name of accused	Offence	Rigorous imprisonment
Manjit Singh son of Udam Singh	325 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 imprisonment for one week.
	323 IPC	To undergo rigorous imprisonment for 06 months and to pay fine of Rs.500/- and in default of the payment of fine, to undergo imprisonment for one week.
Kamaljit Singh son of Harbans Singh	325/34 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 imprisonment for one week.

	323/34	To undergo rigorous imprisonment for 06 months and to pay fine of Rs.500/- and in default of the payment of fine, to undergo imprisonment for one week.
Tejwinder Singh son of Manjeet Singh	325/34 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 imprisonment for one week.
	U/s 323/34 IPC	To undergo rigorous imprisonment for 06 months and to pay fine of Rs.500/- and in default of the payment of fine, to undergo imprisonment for one week.

Harbans Singh, however, was granted the benefit of probation on his furnishing bonds in the sum of Rs.30,000/- with one surety in the like amount for a period of one year with an undertaking to keep peace and good behaviour. He was also burdened with litigation costs of Rs.1000/- and was directed to appear in the Court to receive sentence whenever called upon.

2. In an appeal filed by the aforementioned accused, vide judgment dated 30.10.2015 the learned Additional Sessions Judge, Sangrur upheld the conviction but released them on probation for a period of two years on furnishing requisite bonds in the sum of Rs.25,000/- with one surety each in the like amount with an undertaking to maintain peace and good behaviour for a period of two years and to receive sentence as and when called upon during the said period of two years in case they violated any of the conditions of probation. They were also directed to deposit a sum of Rs.2000/- each as litigation costs in addition to the fined deposited by them before the Trial Magistrate and the amount of fine and litigation costs deposited by the accused appellants before the Trial Magistrate and Sessions Court was directed to be released to the complainant-Gurdial Singh as part compensation for the injury suffered by him in the occurrence.

3. Against the aforementioned judgments, the complainant-Gurdial Singh preferred this revision petition challenging the granting of probation to respondent Nos.2 to 4 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.2 to 4 be enhanced from grant of probation to the awarding of sentence of imprisonment.

6. On the other hand, the learned counsel for respondent Nos.2 to 4 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 learned Additional Sessions Judge, Sangrur is dated 30.10.2015 and therefore, the respondent Nos.2 to 4 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. In view of the above, the present petition is disposed of as having been rendered infructuous.

(JASJIT SINGH BEDI)
JUDGE

13.09.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No