

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

CRR-828-2022 (O & M)
Date of decision:28.04.2023

SURESH KUMAR

..... Petitioner

VERSUS

STATE OF HARYANA & OTHERS

...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amninder Preet, Amicus curiae
for the petitioner.

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for setting aside the order dated 19.08.2019 passed by the Sessions Judge, Panipat whereby while upholding the judgment of conviction passed by the Judicial Magistrate, 1st Class, Panipat, the accused have been ordered to be released on probation.

2. The brief facts of the case are that respondent Nos.2 to 5 were convicted in FIR No.264 dated 27.07.2013 registered under Sections 323 and 325 read with Section 34 IPC, 1860 and sentenced as under:-

Offence	Rigorous imprisonment	Fine	In default of payment of fine further Simple Imprisonment
323 R/w 34 IPC	06 months	Rs.1000/- each	SI for 01 month

All the sentences were ordered to run concurrently.

3. In an appeal filed by the aforementioned accused, vide

conviction but released them on probation under Section 4 of the Probation of Offenders Act, 1958 read with Section 360 Cr.P.C. subject to their furnishing probation bonds in the sum of Rs.50,000/- each and with one surety in the like amount each without supervision for a period of 02 years and to keep peace and be of good behaviour in the meantime. The respondents/convicts were further directed to pay a compensation to the tune of Rs.10,000/- each i.e. total Rs.40,000/- before the Trial Magistrate which was to be deposited under the relevant head of the Government treasury.

4. Against the aforementioned judgment, the complainant-Suresh Kumar preferred the present revision petition (CRR-828-2022) challenging the granting of probation to respondent Nos.2 to 5 and seeking enhancement of sentence including sentence of imprisonment to be awarded.

5. The learned amicus curiae for the petitioner contends that the Sessions Judge, Panipat has wrongly released respondent Nos.2 to 5 on probation. Therefore, their sentence ought to be enhanced from the grant of probation to the awarding of sentence of imprisonment.

6. The learned counsel for the State has supported the case of the petitioner contending that the sentence of respondent Nos.2 to 5 be enhanced from the grant of probation to the awarding of sentence of imprisonment.

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

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 Sessions Judge, Panipat is dated 19.08.2019 and therefore, the respondent No.2 to 5 have already undergone the sentence of probation imposed upon him. 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

28.05.2023
Jitesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No