

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.

CRR-280-2022(O&M)

Date of Decision:-04.05.2023

Dalbir Singh.

.....Petitioner.

Vs.

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Naresh Jain, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General Punjab.

Mr. J.S. Brar, Advocate for respondent no.2.

JASJIT SINGH BEDI, J.(ORAL)

The brief facts of the case are that respondent No.2-Yodha Singh @ Arjan Singh was convicted by the court of Principal Magistrate Juvenile Justice Board Sri Muktsar Sahib in case FIR No.36 dated 20.04.2018 and sentenced as under:-

Name of accused	Offence	Rigorous imprisonment
Yodha Singh	304 IPC	To undergo rigorous imprisonment for 02 years and to pay fine of Rs.1000/- and in default of the payment of fine, to undergo simple imprisonment for 07 days.
	279 IPC	To undergo rigorous imprisonment for 02 months.
	337 IPC	To undergo rigorous imprisonment for 02 months.
	338 IPC	To undergo rigorous imprisonment for 02 months.
	427 IPC	To undergo rigorous imprisonment for 02 months.

judgment dated 08.11.2021 the learned Additional Sessions Judge, Sri Muktsar Sahib upheld the conviction but released him on probation for a period of one year on furnishing requisite bonds in the sum of Rs.50,000/- with one surety each in the like amount with an undertaking to maintain peace and good behaviour for a period of one year and to receive sentence as and when called upon during the said period of two years in case he violates any of the conditions of probation.

3. Against the aforementioned judgment, the complainant-Dalbir Singh preferred this revision petition challenging the granting of probation to respondent No.2 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 No.2 be enhanced from grant of probation to the awarding of sentence of imprisonment.

6. On the other hand, the learned counsel for respondent No.2 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. In addition, he contends that at the relevant time the respondent no.2 was only 16 years of age and, therefore, the probation had rightly been granted.

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, Sri Muktsar Sahib is dated 08.11.2021 and therefore, the respondent No.2 has 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

May 04, 2023
Vinay

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