

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

CRR-952-2020 (O & M)
Date of Decision: 31.01.2023

Atma Ram

... Petitioner

Versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Munish Kamboj, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

JASJIT SINGH BEDI, J.

The brief facts of the case are that two persons namely, Radhey Shyam, respondent No.1 and Rajesh-respondent No.2 were convicted in FIR No.349 dated 07.06.2015 under Sections 341, 323, 325 and 506 read with Section 34 IPC at Police Station Sadar, Fatehabad and sentenced as under:-

Name of accused	Offence (U/S)	Rigorous imprisonment
Radhey Shyam	325 IPC r/w Section 34 IPC	To undergo simple imprisonment for 01 year and to pay fine of Rs.200/- and in default of the payment of fine, to undergo simple imprisonment for one month.
	323 IPC r/w Section 34 IPC	To undergo simple imprisonment for 06 months.
Rajesh	325 IPC r/w Section 34 IPC	To undergo simple imprisonment for 01 year and to pay fine of Rs.200/- and in default of the payment of fine, to undergo simple imprisonment for one month.

	323 IPC r/w Section 34 IPC	To undergo simple imprisonment for 06 months.
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2. In an appeal filed by the aforementioned accused, vide judgment dated 13.01.2020, the Sessions Judge, Fatehabad upheld the conviction but released them on probation on their furnishing personal bonds in the sum of Rs.50,000/- with one surety each in the like amount under Section 4(1) of the Probation of Offender Act to the satisfaction of the Trial Court/Duty Magistrate, Fatehabad for a period of three years with an undertaking to keep peace and good behaviour. The bail bonds and surety bonds furnished by the accused-petitioners were discharged. However, they were directed to furnish the probation bonds within a period of 10 days from the date of the judgment i.e. 13.01.2020 passed by the Sessions Judge, Fatehabad, failing which they would undergo the sentence imposed upon them by the Trial Court.
3. Against the aforementioned judgments, the complainant-Atma Ram preferred this revision petition challenging the granting of probation to respondent Nos.2 and 3 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 and 3 be enhanced from grant of probation to the awarding of sentence of imprisonment.

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

7. 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.”

8. In the present case, the judgment of the Additional Sessions Judge, Fatehabad is dated 13.01.2020 and therefore, the respondent Nos.2 and 3 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.

9. In view of the above, the present petition is disposed of as having been rendered infructuous.

(JASJIT SINGH BEDI)
JUDGE

31.01.2023
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No