

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-2965-2015

Date of Decision:-18.01.2023

Gurvinder Singh.

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondents.

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

Present:- Mr. Preetinder S. Ahluwalia, Advocate and
Mr. H.S. Randhawa, Advocate for the Petitioner.

JASJIT SINGH BEDI, J.(ORAL)

The brief facts of the case are that three persons namely, respondent no.2-Balbir Singh, respondent No.3-Gurmukh Singh and respondent No.4-Surinder Kaur were convicted in FIR No.235 dated 23.10.2008 and sentenced as under:-

Name of accused	Offence	Rigorous imprisonment
Balbir, Gurmukh & Surinder	452 r/w 34 IPC	To undergo simple imprisonment for 06 months and to pay fine of Rs.500/- each and in default of the payment of fine, to undergo simple imprisonment for one month each.
-do-	323 r/w 34 IPC	To undergo rigorous imprisonment for 03 months and to pay fine of Rs.500/- each and in default of the payment of fine, to undergo simple imprisonment for 15 days each.
-do-	427 IPC	To pay fine of Rs.500/- each and in default of the payment of fine, to undergo imprisonment for 15 days each.
-do	506 r/w 34 IPC	To pay fine of Rs.500/- each and in default of the payment of fine, to undergo imprisonment for 15 days each.

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

judgment dated 28.04.2015 the Additional Sessions Judge, Patiala upheld the conviction but released them on probation for a period of one year on furnishing requisite bonds in the sum of Rs.25,000/- each 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 they violated any of the conditions of probation. They were also directed to deposit a sum of Rs.1000/- each as costs of proceedings in addition to the fine 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-Gurvinder Singh as part compensation for the injury suffered by him in the occurrence.

3. Against the aforementioned judgments, the complainant-Gurvinder 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. I have heard the learned counsel for the petitioner.

5. 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.”

6. In the present case, the judgment of the learned Additional Sessions Judge, Sangrur is dated 28.04.2015 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.

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

(JASJIT SINGH BEDI)
JUDGE

January 18, 2023
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>