

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

CRR-3155-2016 (O&M)
Date of Decision: 21.11.2023

JASKARAN SINGH

... Petitioner

Versus

STATE OF PUNJAB & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Raman Mohinder Sharma, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.
for respondent No.1.

JASJIT SINGH BEDI, J.

The brief facts of the case are that two persons namely, Harnek Singh son of Gurnam Singh (respondent No.1) and Beant Singh son of Harnek Singh (respondent No.2) were convicted in FIR No.228 dated 15.12.2009 under Sections 325/323/34 IPC Police Station Sadar Abohar and sentenced as under:-

Offence	Sentence	Fine	In default of fine
Sections 325/34 IPC	RI 01 year each	Rs.2000/- each	RI 03 years
Sections 323/34 IPC	SI 06 months each	Rs.500/- each	SI 01 month

All the sentences were ordered to run concurrently.

2. In an appeal filed by the aforementioned accused, vide judgment dated 27.04.2016 the learned Additional Sessions Judge, Fazilka upheld the conviction but released them on probation on account of good conduct on furnishing of personal probation bonds in the sum of Rs.50,000/- with one surety in the like amount with an undertaking therein to maintain peace and

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good behaviour for a period of 06 months and not to commit any offence in future and further to appear and receive the sentence as and when called upon to do so. The convicts were further directed to pay compensation to the complainant-Jaskaran Singh amounting to Rs.10,000/- each. The amount of compensation also stood deposited. Personal probation bonds and surety bonds were also furnished.

3. Against the aforementioned judgment, the complainant-Jaskaran Singh preferred this revision petition challenging the granting of probation to respondent Nos.2 & 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 & 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 learned Additional Sessions Judge, Fazilka is dated 27.04.2016 and therefore, the respondent Nos.2 & 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

21.11.2023
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No