

CRR-2901-2017 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-2901-2017 (O & M)
Date of decision:18.12.2023

Ram Kumar and ors.

..... Petitioners

V/s

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kartar Singh Malik-1, Advocate,
for the petitioners.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Ranvir S. Cahuhan, Advocate,
and Mr. Davinder Kumar, Advocate,
for respondents No.5& 6,
and Mr. K.D. Sachdeva, Advocate,
for respondent No.8.

JASJIT SINGH BEDI, J. (Oral)

The present revision petition has been preferred against the impugned judgment dated 28.03.2017 passed by the Additional Sessions Judge, Rohtak in Criminal Appeal No.32 of 2016 whereby while upholding the judgment of conviction and order of sentence passed by the Judicial Magistrate Ist Class, Rohtak, dated 26/29.02.2016, the accused have been ordered to be released on probation.

2. The brief facts of the case are that eight persons i.e. respondents No.2 to 9, namely, Jai Singh son of Godhu Ram, Sandeep son of Jai Singh, Amit son of Jai Singh, Balraj Son of Chander Singh, Ram Dhan son of

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Mal, Naresh son of Chander Singh were convicted in FIR No.242 dated 28.08.2008 under Sections 148/149/323/324/325/326 and 506 IPC registered at Police Station Sadar, District Rohtak and sentenced as under:-

Name of accused	Offence	Rigorous imprisonment
Jai Singh, Sandeep, Amit, Balraj, Naresh, Ramdhan, Narender and Vijay	323/149 IPC	To undergo rigorous imprisonment for 06 months and Rs.500/- each ID 15 days each
	325/149 IPC	To undergo rigorous imprisonment for 02 years and Rs.2,000/- each ID 02 months each.
	148 IPC	To undergo rigorous imprisonment for 01 year and Rs.1,000/- each ID 01 month each.

3. In an appeal filed by the aforementioned accused, vide judgment dated 28.03.2017, the Additional Sessions Judge, Rohtak, upheld the conviction but released them on probation for a period of one year on furnishing requisite probation bonds in the sum of Rs.25,000/- each with one surety in the like amount each with an undertaking to maintain peace and good behaviour for a period of the next one year and to receive sentence as and when called upon during the said period of one year in case they violated any of the conditions of probation. They were further directed to pay a sum of Rs.24,000/- as compensation (Rs.3,000/-by each appellant-accused) to the complainant/injured. The said amount of compensation was to be deposited with the Trial Court by the appellants-accused within a period of two weeks and thereafter, the Trial Court had to disburse the amount of compensation (Rs.6000/- to each injured).

4. Against the aforementioned judgment, the complainant-injured/petitioners No.1 to 4 Ram Kumar, Sant Kumar, Shakuntla and

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Bijender have preferred the present revision petition (CRR-2901-2017) challenging the granting of probation to the respondent Nos.2 to 9 and seeking enhancement of sentence including sentence of imprisonment to be awarded.

5. The learned counsel for the petitioners contends that the Additional Sessions Judge, Rohtak had wrongly released the respondents No.2 to 9 on probation despite the fact that they assaulted the complainant party and some of the injuries on their person were declared to be grievous. Further, only a meagre amount on account of compensation had been awarded to the injured-complainant party. 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 9 be enhanced from the grant of probation to the awarding of sentence of imprisonment.

7. The learned counsel for the private respondents, on the other hand, while opposing the prayer made in the present petition submitted that the judgment dated 28.03.2017 had rightly been passed.

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.

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The present petition stands disposed of as having been rendered infructuous.”

9. In the present case, the judgment of the Additional Sessions Judge, Rohtak is dated 28.03.2017 and therefore, the respondent Nos.2 to 9 have already undergone the sentence of probation imposed upon them. Thus, 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

December 18, 2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No