

CRR-3086-2017 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3086-2017 (O & M)
Date of decision:18.12.2023

Jai Singh Petitioner

V/s

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ranvir S. Chauhan,, Advocate,
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

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 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 petitioner-accused alongwith his co-convicts have been ordered to be released on probation.

2. The brief facts of the case are that the petitioner-accused/Jai Singh alongwith co-accused, namely, Sandeep son of Jai Singh, Amit son of Jai Singh, Balraj Son of Chander Singh, Ram Dhan son of Chander Singh, Narender Kumar son of Mahabir, Vijay Kumar son of Suraj Mal, Naresh son of Chander Singh came to be convicted in FIR No.242 dated 28.08.2008 under Sections 148/149/323/324/325/326 and 506 IPC registered at Police

Name of accused	Offence	Rigorous imprisonment
Jai Singh (petitioner), 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 judgments, the petitioner-accused No.1/Jai Singh has preferred the present revision petition (CRR-3086-2017) challenging the judgment of conviction and order of sentence dated 26/29.02.2016 passed by the Judicial Magistrate Ist Class, Rohtak and the

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judgment dated 28.04.2017 passed by the Additional Sessions Judge, Rohtak and seeking acquittal of the charges framed against him.

5. The learned counsel for the petitioner contends that there are material discrepancies in the statements of the prosecution witnesses. Since the petitioner along with his co-convicts has already been granted the benefit of probation, he prays that the present petition be allowed and the petitioner-accused No.1 be acquitted of the charges framed against him by setting aside the impugned judgments passed by the Lower Appellate Court and the Trial Court.

6. The learned counsel for the State, on the other hand, contends that petitioner and his co-accused had caused multiple injuries on the person of the complainant-injured. Therefore, the petitioner and his co-accused had rightly been convicted for the offences in question.

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

8. Admittedly, a connected petition bearing No.CRR-2901-2017 has been filed by the complainant-injured challenging the aforementioned orders of the Trial Court and the Lower Appellate Court challenging the judgment granting the benefit of probation and enhancing the sentence of the petitioner-accused No.1/Jai Singh and his co-convicts.

9. Vide a separate order of the even date, the said connected petition has been disposed of as having been rendered infructuous as the judgment of the Additional Sessions Judge, Rohtak is dated 28.03.2017 and therefore, the petitioner/accused No.1-Jai Singh and his co-convicts have already undergone the sentence of probation imposed upon them.

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

(JASJIT SINGH BEDI)
JUDGE

December 18, 2023
sukhpreet

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