

CRR-4152-2017 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-4152-2017 (O & M)
Date of decision:13.09.2023

Rajinder Singh and anr. Petitioners

V/s

State of Punjab and ors. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ranjit Saini, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The present revision petition has been filed challenging the judgment dated 25.07.2017 passed by the Additional Sessions Judge, Hoshiarpur, releasing the respondents No.2, 3 and 4 on probation.

2. The brief facts of the case are that four persons namely, Inderjit Singh-respondent No.2, Bikram Singh-respondent No.3, Jagdev Singh-respondent No.4 and Kailasho Devi were convicted in a complaint No.178 of 2010 bearing CIS No.COMI/132/2014 decided on 14.10.2015 under Sections 323, 324, 325, 379, 342, 506, 138 and 149 IPC and sentenced as under:-

Name of accused	Offence	Rigorous imprisonment
Inderjit Singh	324 IPC	To undergo rigorous imprisonment for 01year and to pay fine of Rs.500/- and in default of the payment of fine, to undergo rigorous imprisonment for 15 days.
	323 IPC read with Section 149 IPC	To undergo rigorous imprisonment for 06 months and to pay fine of Rs.500/- and in default of the payment of fine, to undergo rigorous imprisonment for 15 days.
	148 IPC	Rigorous imprisonment for 01 year

	341 IPC read with Section 149 IPC	Rigorous imprisonment for 01 month
Bikram Singh	324 IPC read with Section 149 IPC	To undergo rigorous imprisonment for 01year and to pay fine of Rs.500/- and in default of the payment of fine, to undergo rigorous imprisonment for 15 days.
	323 IPC	To undergo rigorous imprisonment for 06 months and to pay fine of Rs.500/- and in default of the payment of fine, to undergo rigorous imprisonment for 15 days.
	148 IPC	Rigorous imprisonment for 01 year
	341 IPC read with Section 149 IPC	Rigorous imprisonment for 01 month.
Jagdev Singh	324 IPC read with Section 149 IPC	To undergo rigorous imprisonment for 01year and to pay fine of Rs.500/- and in default of the payment of fine, to undergo rigorous imprisonment for 15 days.
	323 IPC read with Section 149 IPC	To undergo rigorous imprisonment for 06 months and to pay fine of Rs.500/- and in default of the payment of fine, to undergo rigorous imprisonment for 15 days.
	148 IPC	Rigorous imprisonment for 01 year
	341 IPC read with Section 149 IPC	Rigorous imprisonment for 01 month.
Kailasho Devi	324 IPC read with Section 149 IPC	To undergo rigorous imprisonment for 01year and to pay fine of Rs.500/- and in default of the payment of fine, to undergo rigorous imprisonment for 15 days.
	323 IPC	To undergo rigorous imprisonment for 06 months and to pay fine of Rs.500/- and in default of the payment of fine, to undergo rigorous imprisonment for 15 days.
	148 IPC	Rigorous imprisonment for 01 year
	341 IPC read with Section 149 IPC	Rigorous imprisonment for 01 month.

3. In an appeal filed by the aforementioned accused, vide judgment dated 25.07.2017, the Additional Sessions Judge, Hoshiarpur,

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4, namely, Inderjit Singh, Bikram Singh and Jagdev Singh but released them on probation for a period of six months on furnishing requisite probation bonds in the sum of Rs.10,000/- each with an undertaking to maintain peace and good behaviour during that period and to receive sentence as and when called upon during the said period of six months in case they violated any of the conditions of probation. The fine already deposited by the appellant-respondents No.2 to 4 was converted into costs of litigation. They were also burdened with costs of Rs.2,000/- each as compensation to be paid to the complainants-Rajinder Singh and Shakuntla Devi equally.

4. Against the aforementioned judgment, the complainants-Rajinder Singh and Shakuntala Devi have preferred the present revision petition challenging the granting of probation to the respondent Nos.2 to 4 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, Hoshiarpur has wrongly released the respondents No.2 to 4 on probation despite the fact they assaulted the complainant-petitioners No.1 and 2 and had forcibly took away Rs.1,50,000/- from the pockets of complainant/petitioner No.1-Rajinder Singh. Further, a meagre amount of Rs.2,000/- each had been awarded on account of compensation to the complainant/petitioners. 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 petitioners contending that the sentence of respondent Nos.2 to 4 be enhanced from the grant of probation to the awarding of sentence of imprisonment.

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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.

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

9. In the present case, the judgment of the learned Additional Sessions Judge, Hoshiarpur is dated 25.07.2017 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.

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

(JASJIT SINGH BEDI)
JUDGE

September 13, 2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No