

CRR-209-2018 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-209-2018 (O & M)

Date of decision:18.12.2023

Bhagwant Singh

..... Petitioner

V/s

Sadhu Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. T.P. Singh, Advocate,
for the petitioners.

JASJIT SINGH BEDI, J. (Oral)

The present revision petition has been preferred against the impugned judgment dated 11.10.2017 passed by the Additional Sessions Judge, Ludhiana whereby while upholding the judgment of conviction and order of sentence passed by the Judicial Magistrate Ist Class, Ludhiana, dated 09.12.2016, the accused have been ordered to be released on probation.

2. The brief facts of the case are that seven persons i.e. respondents No.1 to 7, namely, Sadhu Singh son of Late Surjit Singh, Ranjit Kaur wife of S. Sadhu Singh, Manjinder Singh son of Tirath Singh, Parminder Singh son of Tirath Singh, Gurmeet Kaur wife of Late S. Tirath Singh, Arjan Singh Cheema son of Pritam Singh and Charanjit Singh @ Budhu son of Santokh Singh were convicted in complaint under Sections 323, 324, 341, 452, 506 IPC read with Section 120-B IPC and sentenced as under:-

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Name of accused	Offence	Sentence
Sadhu Singh, Ranjit Kaur, Manjinder Singh, Parminder Singh, Gurmeet Kaur, Arjan Singh Cheema and Charanjit Singh @ Budhu	323, 324, 341, 506 IPC read with Section 120-B IPC	Accused were ordered to be released on probation for a period of six months on furnishing probation bond in the sum of Rs.50,000/- each.

3. Two appeals were filed against the aforementioned judgment. Appeal bearing No.CRA-28/8.3.2017 was filed by the complainant-Bhagwant Singh challenging the judgment and order dated 09.12.2016 passed by the Judicial Magistrate (First Class), Ludhiana acquitting the accused-respondents therein under Section 452 IPC and for convicting them under Sections 323, 324, 341, 506 r/w Section 120-B IPC but releasing them on probation. The other appeal bearing No.CRA-21/16.02.2017 was filed by the accused-appellants against the said judgment of the Trial Court challenging their conviction. Vide a common judgment dated 11.10.2017, the Additional Sessions Judge, Ludhiana, while dismissing both the said appeals upheld the conviction but also held that as the probation period was over the appeal of the complainant had been rendered infructuous.

4. Against the aforementioned judgment, the complainant-Bhagwant Singh has preferred the present revision petition (CRR-209-2018) challenging the granting of probation to the respondent Nos.1 to 7 and seeking conviction of the accused-respondents for the offences not only under Sections 323, 324, 341, 506 red with Section 120-B IPC but under Section 452 IPC as well.

5. The learned counsel for the petitioner contends that the Additional Sessions Judge, Ludhiana had wrongly dismissed the appeal

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release the accused-respondents on probation despite the fact that they assaulted the complainant party and inflicted various injuries on the person of the complainant and his family members. Further, no compensation had been awarded to the complainant-injured. Therefore, accused-respondents ought to be convicted for the commission the offences in question.

6. I have heard the learned counsel for the petitioner 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 Trial Court is dated 09.12.2016 and the judgment of the Additional Sessions Judge, Ludhiana is dated 11.10.2017 and therefore, the respondent Nos.1 to 7 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

December 18, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No