

CRR-3830-2018 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3830-2018 (O & M)
Date of decision:19.04.2023

Mange Ram and anr.

..... Petitioners

V/s

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashit Malik, Advocate,
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for setting aside the order dated 09.10.2018 passed by the Additional Sessions Judge, Karnal whereby while upholding the judgment of conviction passed by the Judicial Magistrate Ist Class, Karnal, dated 13.03.2015, the accused have been ordered to be released on probation.

The brief facts of the case are that eight persons i.e. respondents No.2 to 9 namely, Isham Singh son of Satpal Singh, Satbir son of Babu Ram, Satpal son of Nanu Ram, Udhal son of Suba, Baljit son of Nar Singh, Madan son of Phool Singh, Dinesh son of Baljit and Saroj wife of Satpal were convicted in FIR No.144 dated 1.4.2009 under Sections 148, 149, 323, 325,

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427, 452 and 506 IPC registered at Police Station Gharaunda, Karnal and sentenced as under:-

Name of accused	Offence	Rigorous imprisonment
Isham Singh, Satbir, Satpal, Udhal, Baljit, Madan, Dinesh and Saroj	148 IPC r/w 149 IPC	To undergo rigorous imprisonment for six months and to pay fine of Rs.100/- each and in default of the payment of fine, to undergo simple imprisonment for one day.
	323 IPC r/w 149 IPC	To undergo rigorous imprisonment for 03 months and to pay fine of Rs.100/- each and in default of the payment of fine, to undergo simple imprisonment for one days.
	325 IPC r/w 149 IPC	To undergo rigorous imprisonment for 01 year and to pay fine of Rs.200/- each and in default of the payment of fine, to undergo simple imprisonment for two days.
	452 IPC r/w 149 IPC	To undergo rigorous imprisonment for 01 year and to pay fine of Rs.200/- each and in default of the payment of fine, to undergo simple imprisonment for two days.
	427 IPC r/w 149 IPC	To undergo rigorous imprisonment for 03 months and to pay fine of Rs.100/- each and in default of the payment of fine, to undergo simple imprisonment for one day.
	506 IPC r/w 149 IPC	To undergo rigorous imprisonment for 06 months and to pay fine of Rs.200/- each and in default of the payment of fine, to undergo simple imprisonment for two days.

2. In an appeal filed by the aforementioned accused, vide judgment dated 09.10.2018, the Additional Sessions Judge, Karnal, upheld the conviction but released them on probation for a period of three years on furnishing requisite probation bonds in the sum of Rs.50,000/- each with one surety in the like amount with an undertaking to maintain peace and good behaviour for a period of the next three years and to receive sentence as and when called upon during the said period of three years in case they violated

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any of the conditions of probation. They were further directed to pay a fine of Rs.3,000 each.

3. Against the aforementioned judgment, the complainant-Mange Ram and injured-Bimla Devi have preferred the present revision petition (CRR-3830-2018) challenging the granting of probation to the respondent Nos.2 to 9 and seeking enhancement of sentence including sentence of imprisonment to be awarded.

4. The learned counsel for the appellants contends that the Additional Sessions Judge, Karnal has wrongly released the respondents No.2 to 9 on probation despite the fact that they assaulted the complainant party and caused injuries. Further, no compensation has been awarded to the appellant and the injured but the respondents No.2 to 9 had only been burdened with fine of Rs.3,000/-. Therefore, their sentence ought to be enhanced from the grant of probation to the awarding of sentence of imprisonment.

5. The learned counsel for the State has supported the case of the petitioners contending that the sentence of respondent Nos.2 to 3 be enhanced from the 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

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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, Karnal is dated 09.10.2018 and therefore, the respondent Nos.2 to 9 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

April 19, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No