

CRR-865-2018 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-865-2018 (O & M)
Date of decision:02.05.2023

Baldev Singh Petitioners

V/s

State of Haryana and ors. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Chanchal K. Singla, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for setting aside the order dated 01.12.2017 passed by the Additional Sessions Judge,Kurukshetra whereby while upholding the judgment of conviction passed by the Judicial Magistrate Ist Class, Kurukshetra, dated 11.01.2017, the accused-respodents No.2 to 5 have been ordered to be released on probation.

The brief facts of the case are that four persons i.e. respondents No.2 to 4 namely, Kultar Singh son of Sadhu Singh, Balwinder Singh son of Sadhu Singh, Kuldeep Kaur wife of Joginder Singh and Balwinder Singh @ Rinka son of Gian Singh were convicted in FIR No.62 dated 21.04.2012 under Sections 148, 323, 325, 506, 149 IPC registered at Police Station

Ladwa and sentenced as under:-

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Name of accused	Offence	Rigorous imprisonment
Kultar Singh, Balwinder Singh son of Sadhu Singh, Kuldeep Singh and Balwinder Singh son of Gian Singh	148 IPC	To undergo rigorous imprisonment for 01 year and to pay fine of Rs.1000/- each and in default of the payment of fine, to undergo simple imprisonment for 15 days.
	323 IPC	To undergo rigorous imprisonment for 06 months and to pay fine of Rs.500/- each and in default of the payment of fine, to undergo simple imprisonment for 07 days.
	325 IPC	To undergo rigorous imprisonment for 02 years and to pay fine of Rs.2,000/- each and in default of the payment of fine, to undergo simple imprisonment for 01 month.

All the sentences were ordered to run concurrently.

2. In an appeal filed by the aforementioned accused, vide judgment dated 01.12.2017, the Additional Sessions Judge, Kurukshetra, 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 any of the conditions of probation. They were further directed to pay a compensation of Rs.28,750/- each (i.e. Rs.1,15,000/-). Out of the total amount of compensation of Rs.1,15,000/- an amount of Rs.1,00,000/- was to be paid to the injured-Barkha Ram, who had sustained grievous injuries and an amount of Rs.15,000/- was to be paid to the complainant/injured Baldev Singh, who had sustained simple injuries. Fine

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already paid in the Trial Court was ordered to be adjusted towards cost of proceedings.

3. Against the aforementioned judgment, the complainant-Baldev Singh has preferred the present revision petition (CRR-865-2018) challenging the granting of probation to the respondent Nos.2 to 5 and seeking enhancement of sentence including sentence of imprisonment to be awarded as well as enhancement in the compensation amount.

4. The learned counsel for the petitioner contends that the Additional Sessions Judge, Kurukshetra has wrongly released the respondents No.2 to 5 on probation despite the fact that they assaulted the complainant party and caused injuries. Further, a meagre amount on account of compensation has been awarded to the petitioner-complainant/injured and injured Barkha Ram, who had sustained grievous injuries. 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 petitioner contending that the sentence of respondent Nos.2 to 5 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, Kurukshetra is dated 01.12.2017 and therefore, the respondent Nos.2 to 5 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

May 02, 2023
sukhpreet

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