

CRR-4384-2016 (O & M)
(261)

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-4384-2016 (O & M)
Date of decision:09.01.2024

Inderjit Singh Petitioner
V/s
State of Haryana and ors. ...Respondents

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nand Lal Sammi, Advocate,
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Sandeep Vermani, Advocate,
with Mr. Aditya Sangi, Advocate,
for respondents No. 2, 4 and 5.

JASJIT SINGH BEDI, J. (Oral)

CRM-37126-2016

This is an application under Section 5 of the Limitation Act seeking condonation of 35 days’ days in filing the present revision petition.

For the reasons mentioned in the application, the same is allowed. The delay of 35 days in filing the present revision petition stands condoned.

CRR-4384-2016

The prayer in this petition is for setting aside the order dated 12.07.2016 passed by the Additional District Judge, Kaithal whereby while

upholding the judgment of conviction passed by the Sub Divisional Judicial

CRR-4384-2016 (O & M)
(261)

::2::

Magistrate, Guhla dated 08.08.2013, the accused have been ordered to be released on probation.

2. The brief facts of the case are that five persons i.e. respondents No.2 to 6 namely, Harbhajan son of Sarwan Singh, Baljinder Singh son of Harbhajan Singh, Gurcharan Singh son of Amrik Singh, Jaspal Singh son of Gurcharan Singh and Sarwan Singh son of Amrik Singh were convicted in FIR No.74 dated 04.07.2008 under Sections 323, 325/34 IPC at Police Station Guhla and sentenced as under:-

Name of accused	Offence	Rigorous imprisonment
Harbhajan Singh, Baljinder Singh, Gurcharan Singh, Sarwan Singh and Jaspal	148 IPC	To undergo rigorous imprisonment for six months and to pay fine of Rs.500/- each and in default of the payment of fine, to undergo simple imprisonment for 15 day.
	323 IPC r/w 149 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 15 days.
	325 IPC r/w 149 IPC	To undergo rigorous imprisonment for 01 year and to pay fine of Rs.2000/- each and in default of the payment of fine, to undergo simple imprisonment for 30 days.

All the sentences were ordered to run concurrently.

2. In an appeal filed by the aforementioned accused, vide judgment dated 12.07.2016, the Additional Sessions Judge, Kaithal, upheld the conviction but released them on probation for a period of one year on furnishing requisite bonds in the sum of Rs.1,00,000/- each with one surety each in the like amount with an undertaking to maintain peace and good behaviour for a period of the next one year and to receive sentence as and

CRR-4384-2016 (O & M)
(261)

::3::

when called upon during the said period of one year in case they violated any of the conditions of probation.

3. Against the aforementioned judgment, the complainant/injured-Inderjit Singh has preferred the present revision petition (CRR-4384-2016) challenging the granting of probation to the respondent Nos.2 to 6 and seeking enhancement of sentence including sentence of imprisonment to be awarded.

4. The learned counsel for the petitioner contends that the Additional Sessions Judge, Kaithal has wrongly released the respondents No.2 to 6 on probation despite the fact that they assaulted the complainant party and caused injuries. Further, no compensation has been awarded to the petitioner on account of injuries suffered by him. 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 6 be enhanced from the grant of probation to the awarding of sentence of imprisonment.

6. The learned counsel for the respondents No.2, 4 and 5, on the other hand, submits that the period of probation granted to the respondents No.2 to 6 i.e. one year has already been elapsed and the respondents No.2, 4 5 (respondents No.3 and 6 have expired) are ready to pay Rs.20,000/- to the injured-Inderjit Singh as compensation.

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:-

CRR-4384-2016 (O & M)
(261)

::4::

*“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, Kaithal is dated 12.07.2016 and therefore, the respondent Nos.2, 4 and 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. Even otherwise, the respondents No.2, 4 and 5 are ready and willing to pay a sum of Rs.20,000/- to the injured-Inderjit Singh as compensation.
10. In view of the above, the present petition is disposed of with the direction to the respondents No.2, 4 and 5 to pay a sum of Rs.20,000/- to the injured-Inderjit Singh as compensation by way of a cheque/demand draft in his favour. A photocopy thereof be placed on the record of this file.

(JASJIT SINGH BEDI)
JUDGE

January 09. 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No