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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1178-2016 (O&M)

Date of Decision: January 10, 2024

Saun Singh (Deceased)

... Petitioner

Versus

Sukhwinder Singh @ Hira and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Raghav Taneja, Advocate for
Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Bikramjit Singh Simble, Advocate
for respondents No.1, 2, 4 and 5.

JASJIT SINGH BEDI, J.

The brief facts of the case are that 05 persons namely, Sukhwinder Singh @ Heera-respondent No.1; Davinder Singh-respondent No.2; Pritam Singh-respondent No.3; Jagir Kaur-respondent No.4 and Gurmit Kaur-respondent No.5 were convicted in a complaint case under Section 382/452/323/506/120-B/148/149 IPC registered at Police Station Dhariwal and sentenced as under:-

Name of accused	Offence	Rigorous imprisonment
Sukhwinder Singh @ Heera	U/S 452 IPC read with Section 149 IPC	To undergo rigorous imprisonment for 02 years and to pay fine of Rs.2000/- and in default of the payment of fine, to undergo imprisonment for two months.

Name of accused	Offence	Rigorous imprisonment
	U/S 323 IPC read with Section 149 IPC	To undergo simple imprisonment for six months with a fine of Rs.500/- and in default of payment of fine, to undergo simple imprisonment for fifteen days.
Davinder Singh	-do-	-do-
Pritam Singh	-do-	-do-
Jagir Kaur	-do-	-do-
Gurmit Kaur	-do-	-do-

All the sentences were ordered to run concurrently.

2. In an appeal filed by the aforementioned accused, vide judgment dated 18.11.2015 the learned Additional Sessions Judge, Gurdaspur upheld the conviction but released them on probation for a period of two years with costs of Rs.1,500/- each on furnishing requisite bonds in the sum of Rs.30,000/- with one surety each in the like amount.
3. Against the aforementioned judgments, the complainant-Saun Singh (deceased) preferred this revision petition challenging the granting of probation to respondent Nos.1 to 5 and seeking enhancement of sentence including sentence of imprisonment to be awarded.
4. The learned counsel for the petitioner submits that an order of probation could only have been passed after receipt of report from Probation Officer. He relies on the judgment of the Hon'ble Supreme Court titled as **MCD Versus State of Delhi and another, 2005(3) RCR (Criminal) 13.**
5. On the other hand, the learned counsel for respondent Nos.1 to 5 has placed reliance on the judgments of this Court in **Rajinder Singh Versus State of Haryana & others passed in CRM-M-249-2013 dated 27.08.2018** to

contend that once the probation period is over the present petition has been rendered infructuous.

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 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, Gurdaspur is dated 18.11.2015 and the respondent Nos.1 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

January 10, 2024

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Whether speaking/reasoned : Yes/No

Whether reportable:- : Yes/No