

CRR-2257-2008 (O & M)

2025:PHHC:009202



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH  
(203-2)

**Date of decision:22.01.2025**

(1) **CRR-2257-2008 (O & M)**

Jitender ..... Petitioner

V/s

Jainarain and ors. ...Respondents

(2) **CRR-842-2009 (O & M)**

Jitender ..... Petitioner

V/s

Maan Singh and anr. ...Respondents

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Sourabh Sheoran, Advocate, for the petitioner.

Dr. Rau P.S. Girwar, Advocate,  
with Mr. Tara Chand Dhanwal, Advocate,  
for respondent No.1 (in CRR-2257-2008).

Mr. Jasdeep Singh Walia, Advocate,  
for respondent No.2 (in CRR-2257-2008)  
and for respondents No.1 and 2 (in CRR-842-2009).

Mr. Viney Phogat, DAG, Haryana  
(in CRR-2257-2008).

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**JASJIT SINGH BEDI, J. (Oral)**

This order shall dispose of two criminal revisions petitions i.e.

**CRR-2257-2008 and CRR-842-2009** filed by the complainant-petitioner

Jitender (in both the revisions) as the same arise out of a similar complaint

bearing No.RT No.12 of 1993.



2. The prayer in these revision petitions is for setting aside the order dated 07.07.2008 passed by the Additional Sessions Judge, Narnaul whereby while upholding the judgment of conviction passed by the Additional Chief Judicial Magistrate, Narnaul dated 02.04.2005, the accused-respondents No.1 & 2, namely, Jainarain and Nathu Ram (in CRR-2257-2008) and accused-respondents No.1 and 2, namely, Maan Singh and Ranjit Singh (in CRR-842-2009) have been ordered to be released on probation.

3. For the sake of convenience, the facts are taken from the petition bearing No.CRR-2257-2008.

4. The brief facts of the case are that out of the summoned accused, the accused-respondents No.1 & 2, namely, Jainarain son of Pala Ram and Nathu Ram son of Khiyali Ram (in CRR-2257-2008) and accused-respondents No.1 and 2, namely, Maan Singh, Constable No.21, City P.S. Narnaul and Ranjit Singh, Constable No.1, City P.S. Narnaul (in CRR-842-2009) were convicted in Complaint bearing No.RT No.12 of 1993 under Sections 323 and 500 read with Section 34 IPC and sentenced as under:-

| Name of accused                                                                    | Offence    | Rigorous imprisonment                                                                                                                                               |
|------------------------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jainarain @ Jai Narain, Nathu Ram @ Nathu Ram Bishnoi, Maan Singh and Ranjit Singh | 323/34 IPC | To undergo rigorous imprisonment for three months and to pay fine of Rs.500/- each.                                                                                 |
|                                                                                    | 500/34 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 days. |



5. In two separate appeals i.e. Criminal Appeal No.RT 05 of 2006/2005 preferred by the accused-respondents No.1 and 2, namely, Jainarain and Nathu Ram (in CRR-2257-2008) and Criminal Appeal No.RT 06 of 2006/2005 preferred by accused-respondents No.1 and 2, namely, Maan Singh and Ranjit Singh (in CRR-842-2009), the Additional Sessions Judge, Narnaul vide a common judgment dated 07.07.2008 upheld their conviction but released them on probation for a period of one year under Section 4(1) of the Probation of the Offenders Act on furnishing requisite probation bonds in the sum of Rs.10,000/- 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 when called upon during the said period of one year in case they violated any of the conditions of probation.

6. Against the aforementioned judgment, the complainant/injured-Jitender Singh has preferred the present revision petitions (CRR-2257-2008 and CRR-842-2009) challenging the granting of probation to the accused-respondents No.1 and 2, namely, Jainarain and Nathu Ram (in CRR-2257-2008) and accused-respondents No.1 and 2, namely, Maan Singh and Ranjit Singh (in CRR-842-2009) and seeking restoration of the judgment of conviction and order of sentence dated 02/05.04.2005 passed by the Additional Chief Judicial Magistrate, Narnaul.

7. The learned counsel for the petitioner contends that the Additional Sessions Judge, Narnaul has wrongly released the aforesaid



complainant and his father in the police station and caused injuries. Therefore, impugned judgment passed by the Lower Appellate Court was liable to be set aside and the judgment of conviction and order of sentence dated 02/05.04.2005 ought to be restored.

8. The learned counsel for the State has supported the case of the complainant-petitioner contending that the sentence of accused-respondents No.1 and 2 (in both the appeals) be enhanced from the grant of probation to the awarding of sentence of imprisonment.

9. The learned counsels for the accused-respondents No.1 and 2 (in both the appeals), on the other hand, submit that the period of probation granted to the accused-respondents No.1 and 2 (in both the appeals) i.e. one year has already elapsed.

10. I have heard the learned counsel for the parties.

11. 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.”*

12. In the present cases, the judgment of the Additional Sessions Judge, Narnaul is dated 07.07.2008 and therefore, the accused-respondent

Nos.1 and 2, namely, Jainarain and Nathu Ram (in CRR-2257-2008) and



accused-respondents No.1 and 2, namely, Maan Singh and Ranjit Singh (in CRR-842-2009) 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.

13. In view of the above, the present petitions are disposed of.

( JASJIT SINGH BEDI)  
JUDGE

January 22, 2025  
sukhpreet

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