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

CRR-1413-2010 (O & M)
Date of decision:10.07.2025

Ganesh Dutt Kaushik

..... Petitioner

V/s

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sushil Jain, Advocate, for the petitioner.

Mr. Viney Phogat, DAG, Haryana,
for respondent No.1-State.

Ms. Deepali Verma, Advocate, and
Mr. Sandeep Singh, Advocate, with
Mr. Ritesh Malik, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition is for setting aside the judgment dated 27.03.2010 passed by the Additional Sessions Judge (Adhoc), Fast Track Court, Rewari whereby while upholding the judgment of conviction and order of sentence passed by the Judicial Magistrate Ist Class, Rewari dated 19/20.07.2007, the accused-respondent No.2 has been ordered to be released on probation.

2. The brief facts of the case are that the accused/respondent No.2- Shiv Kumar son of Hans Raj was convicted in FIR No.131 dated 05.04.1998 under Sections 332/353 IPC, Police Station Khol and sentenced as under:-



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Offence	Rigorous imprisonment
332 IPC	To undergo RI for one year and to pay fine of Rs.1,000/- and in default of the payment of fine, to undergo SI for 01 month

3. In an appeal filed by the aforementioned accused-respondents No.2, vide judgment dated 27.03.2010, the Additional Sessions Judge (Adhoc), Fast Track Court, Rewari, upheld his conviction under Section 332 IPC but released him on probation for a period of one year on furnishing requisite bonds in the sum of Rs.10,000/- with one surety 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, if required.

4. Against the aforementioned judgment, the complainant-Ganesh Dutt Kaushi has preferred the present revision petition (CRR-1413-2010) challenging the granting of probation to the accused-respondent.

5. The learned counsel for the petitioner-complainant contends that the Additional Sessions Judge (Adhoc), Fast Track Court, Rewari has wrongly released the accused-respondents on probation despite the fact that he assaulted the complainant-Ganesh Dutt Kaushik and caused injuries. Therefore, his sentence ought to be enhanced from the grant of probation to the awarding of sentence of imprisonment.

6. The learned counsel for the State and the learned counsel for accused-respondent No.2, on the other hand, submit that the period of probation granted to the respondent No.2-Shiv Kumar i.e. one year has already been elapsed. Therefore, the present revision petition is liable to be dismissed.



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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:-

“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 Additional Sessions Judge, (Adhoc), Fast Track Court, Rewari is dated 27.03.2010 and therefore, the accused-respondent No.2-Shiv Kumar has already undergone the sentence of probation imposed upon him. Therefore, there is no requirement for this Court to go into the legality or propriety of the impugned judgment.

10. In view of the above, the present petition is disposed of alongwith the pending application, if any.

(JASJIT SINGH BEDI)
JUDGE

July 10, 2025
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No