



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: April 03, 2025

(i) **CRR No.2798 of 2008**
Shamsher Singh **. . . . Petitioner**
 Vs.
 State of Haryana **. . . . RESPONDENT**

* * * *

(ii) **CRA-S-342-SB-2009**
Mohinder Singh **. . . . Appellant**
 Vs.
 State of Haryana **. . . . RESPONDENT**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. C.L. Verma, Advocate
 for the petitioner in CRR No.2798 of 2008 and
 for the appellant in CRA-S-342-SB-2009.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

DEEPAK GUPTA, J.

This order shall dispose of the aforesaid two cases arising out of the same FIR.

2. In a case arising out of FIR No.253 dated 31.12.1999, registered under Sections 323, 325, 452, 506 and 34 IPC, at Police Station Uchana, two accused, namely Mohinder Singh and Shamsher Singh were tried by learned Sub Divisional Judicial Magistrate, Narwana. Though, accused – Shamsher Singh was convicted for committing the offence under Sections 323 and 452 IPC, but the other accused – Mohinder Singh was acquitted of the charges vide judgment dated 30.11.2007. Vide a separate order of the even date, Shamsher Singh was sentenced as under:-

Sr. No.	Offence	Sentence	fine
1.	323 IPC	06 months	₹200/-
2.	452 IPC	01 year	₹200/-

3. He was further directed to undergo further imprisonment for 01 month in case of non-payment of fine. Both the sentences were directed to run concurrently.

4. Against the aforesaid judgment, Shamsheer Singh filed appeal challenging his conviction whereas State of Haryana filed a separate appeal, challenging the acquittal of Mohinder Singh. Vide judgment dated 09.12.2008, learned Addl. Sessions Judge, Jind dismissed the appeal filed by Shamsheer Singh; and accepted the appeal filed by the State. By reversing the order of trial Court, said Mohinder Singh was convicted and sentenced as under:-

Sr. No.	Offence	Sentence	fine
1.	325 IPC	01 year	₹500/-
2.	452 IPC	01 year	₹200/-

5. He was further directed to undergo further imprisonment for 02 months in case of non-payment of fine. Both the sentences were directed to run concurrently.

6. Now, both the convicts have approached this Court. Convict-Shamsheer Singh had filed CRR No.2798 of 2008; whereas Convict – Mohinder Singh had filed CRA-S-342-SB-2009.

7. Today, it is informed at bar by learned counsel that petitioner – Shamsheer Singh has since expired. Learned State counsel has not disputed this fact. As such, the petition bearing CRR No.2798 of 2008 is hereby disposed of, having abated.

8. As far as the appeal pertaining to convict – Mohinder Singh is concerned, learned counsel for the appellant has stated at the outset that appellant does not press the appeal against the judgment of conviction; and that appellant confines his prayer only against the order of sentence. He makes prayer for releasing the appellant on probation.

9. It is contended by learned counsel for the appellant that occurrence had taken place way back in 1999, i.e. more than 25 years back for causing simple injuries. At that time, he was 25 years of age and the sentence of appellant – Mohinder Singh was suspended on 11.02.2009, i.e. more than 16 years back after noticing that he had been in custody since 05.02.2004.

10. In view of the aforesaid statement made by learned counsel for the appellant, present appeal against judgment of conviction is hereby dismissed as withdrawn.

11. As far as the order of sentence is concerned, having noticed all the facts and circumstances as pointed out by learned counsel and the nature of offence, this Court finds it to be a fit case to grant the benefit of Section 4 of the Probation and Offenders Act, 1958. As such, appellant – Mohinder Singh is directed to be released on probation for the remaining period of sentence on furnishing probation bonds in the sum of ₹25,000/- with one surety of the like amount to the satisfaction of the concerned Chief Judicial Magistrate. The said bonds are to be furnished within a period of four weeks from today. On the failure of the appellant to do so, he will have to undergo remaining sentence. It is further made clear that the conviction of appellant – Mohinder Singh as maintained by this Court will not entail any disqualification, in view of Section 12 of the Probation and Offenders Act.

Disposed of.

Photocopy of this order be placed on the connected case file.

April 03, 2025

Sarita

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No