

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-10211 of 2015

Date of decision:- March 30, 2015

Mohinder Singh

.....Petitioner...

Vs.

State of Punjab

....Respondent...

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Neeraj Madaan, Advocate,
for the petitioner.

JASPAL SINGH, J.

This is a petition preferred under Section 482 Cr.P.C. seeking extension of time to enable petitioner to furnish personal/surety bonds before the trial court/duty magistrate, in accordance with law, in compliance of order dated February 16, 2015.

2. Notice of motion.

3. At the asking of the Court, Mr. J.S. Sekhon, Assistant Advocate General, Punjab who is present in Court accepts notice on behalf of respondents-State of Punjab. Copy of the petition be supplied to learned State counsel during the course of the day.

4. Undisputably, petitioner was sentenced to undergo rigorous imprisonment for a period of 6 months under Section 61 (1)

(b) of Punjab Excise Act, vide judgment of conviction and order of sentence dated January 16, 2015. Sentence imposed upon petitioner was suspended by Id. trial court while exercising jurisdiction under Section 389 Cr.P.C. To challenge his conviction and sentence, petitioner preferred an appeal, which was entrusted to the court of Additional Sessions Judge, Fazilka, who, vide his order dated February 16, 2015 provided 15 days time to petitioner to furnish requisite personal/surety bonds to the satisfaction of Id. trial court/duty magistrate but during the said period of 15 days, petitioner could not approach the court due to some unavoidable circumstances, which have been unfolded by him in this petition. Thereafter, he moved an application before Additional Sessions Judge, Fazilka for extension of time but his request was not acceded to rather, declined vide order dated March 11, 2015.

5. In the circumstances narrated above, this Court is of the considered view that declining of relief with regard to extension of time is neither justified nor based upon sound principles. Accordingly, instant petition is disposed of with a direction to Id. trial court/duty magistrate, Fazilka to accept the bail bonds/surety bonds, in compliance of order dated February 16, 2015 passed by Id. Additional Sessions Judge, Fazilka, within a period of three weeks from today.

(JASPAL SINGH)
JUDGE

March 30, 2015
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