

In the High Court of Punjab and Haryana at Chandigarh

CRM M-16275 of 2015

Date of Decision: May 19, 2015

Ravinder @ Billu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR JUSTICE PARAMJEET SINGH

Present: Mr. Anshumaan Dalal, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

In this petition, the petitioner has challenged the order dated 06.04.2015 (Annexure A/4) passed by learned Additional Sessions Judge, Rohtak whereby application moved by the petitioner for suspension of sentence awarded by learned Additional Chief Judicial Magistrate, Rohtak, has been dismissed.

Notice of motion.

On the asking of the Court, Mr. Naveen Sheoran, Deputy Advocate General, Haryana, accepts notice on behalf of the State.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that the petitioner has been convicted by the trial Court. The petitioner has preferred appeal before the lower Appellate Court which may not be decided in near future, rather it will take a long time, therefore, sentence of the petitioner may be suspended during the pendency of appeal.

Per contra, learned State counsel vehemently opposes the

contentions of learned counsel for the petitioner and supports the impugned order.

I have considered the rival contentions of learned counsel for the parties.

Admittedly, it is the prerogative of the lower Appellate Court to decide the application for suspension of sentence of the petitioner by recording reasons. However, the fact remains that there are disputed facts which can be appreciated only by the lower Appellate Court after examining the evidence led by the prosecution as well as defence. Role played by petitioner-Ravinder is of attesting witness. At this stage, it is to be seen whether there is a necessity to detain the petitioner behind bars.

Keeping in view the above, impugned order dated 06.04.2015 is set aside. The sentence of the petitioner shall remain suspended till final decision of the appeal, subject to furnishing of bail bonds to the satisfaction of the lower Appellate Court. Learned Lower Appellate Court is directed to decide the appeal within two months from the date of receipt of certified copy of this order. However, it is made clear that the petitioner will personally appear before the lower Appellate Court at the time of pronouncement of judgment.

Disposed of in the above terms.

May 19, 2015
vkd

[Paramjeet Singh]
Judge