

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM No.M-43811 of 2015

Date of decision: January 18, 2016.

Ishwar Singh

... **Petitioner**

v.

State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. V.B. Aggarwal, Advocate for the petitioner.

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

Mr. A.S. Virk, Advocate for respondent No.2.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

Impugned in the present revision is the order dated 3.12.2015 passed by learned Additional Sessions Judge, Karnal whereby, in an appeal against conviction and sentence under Sections 406, 419, 420, 467, 468, 471 read with Section 120-B IPC, the suspension of sentence was refused.

I have heard Learned Counsel for the parties.

Suffice to say that the Chief Judicial Magistrate, Karnal had convicted the present petitioner and some others, and sentenced them to maximum imprisonment of seven years. The contention of the accused is that in the appeal, the suspension of sentence has

been refused wrongly on the ground that some other cases are pending against the petitioner.

I am of the view that it is the first appeal by the accused in the lower court. In the first appeal, the findings of facts are to be re-appraised. Therefore, merely on the ground that some other cases of forgery are pending against the petitioner, the suspension of sentence could not be refused. The first appellate court is yet to make up its mind whether the findings recorded by learned Chief Judicial Magistrate, holding the petitioner guilty, are to be upheld or not. As such, the impugned order is set aside. The sentence imposed upon the petitioner is suspended till the disposal of the appeal and he is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.50,000/- with like surety to the satisfaction of learned Additional Sessions Judge, Karnal where the appeal is pending.

The revision stands allowed accordingly.

January 18, 2016.
kadyan

[Kuldip Singh]
Judge