

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

CRM No.M-6567 of 2016

Date of decision: February 25, 2016.

Deshraj and another

... **Petitioners**

v.

State of Haryana

... **Respondent**

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

Present: Mr. Jatin Khurana, Advocate for the petitioners.

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):

Notice of motion.

Mr. Parveen Aggarwal, Deputy Advocate General
Haryana, accepts notice on behalf of the respondent-State.

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 petitioners 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 petitioners.

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 petitioners, 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 petitioners guilty, are to be upheld or not. As such, the impugned order is set aside. The sentence imposed upon the petitioners is suspended till the disposal of the appeal and they are ordered to be released on bail on their 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 petition stands allowed accordingly.

February 25, 2016.
kadyan

[Kuldip Singh]
Judge