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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No. 1922 of 2016 (O/M)

Date of decision : 23.5.2016

Ajit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. K.S. Chahal, Advocate, for the petitioner.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Heard.

Notice of motion to the State.

On behalf of State, Mr. Ashish Sanghi, Deputy Advocate General, Punjab, accepts the notice.

Impugned in the present revision is the order dated 6.5.2016, passed by the learned Additional Sessions Judge, SAS Nagar, Mohali, whereby pending the appeal, an application filed by the present petitioner under Section 389 (1) Cr.P.C. for suspension of his sentence, was dismissed.

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Suffice to say that the petitioner alongwith another co-accused has been convicted under Sections 465, 467, 471, 477 IPC and sentenced to various imprisonments, ranging from 2 years to 4 years in addition to fine, by the learned Chief Judicial Magistrate, SAS Nagar, Mohali, vide judgment of conviction and order of sentence dated 11.12.2015. The present petitioner preferred an appeal before the learned Additional Sessions Judge, SAS Nagar, Mohali. Since the learned concerned Additional Sessions Judge, SAS Nagar, Mohali, was on long leave, therefore, the matter was put up before another learned Additional Sessions Judge, SAS Nagar, Mohali, who dismissed the application of the present petitioner for suspension of his sentence.

I am of the view that the order dated 6.5.2016, passed by the learned Additional Sessions Judge, SAS Nagar, Mohali (Duty), is not sustainable in the eyes of law. The present petitioner is in custody for last about five months. His appeal has been admitted and it is yet to be decided whether the conviction and sentence passed by the lower Court is to be maintained or is to be set aside. It is first appeal. It being so, there is no ground to refuse the suspension of sentence and refuse to release the present petitioner. As such, the impugned order is set aside. The sentence passed by the lower Court stands suspended till the disposal of the appeal and the present petitioner is ordered to be released on bail on his

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furnishing personal bonds in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the same Court i.e. the learned Additional Sessions Judge, SAS Nagar, Mohali, who passed the impugned order.

The present petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

23.5.2016
sjks