

131

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-19390 of 2017**

**Date of decision: May 30, 2017**

Prem Chand and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI**

**Present:** Mr. Gulzar Mohd, Advocate for the petitioners.

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**A.B. CHAUDHARI, J (Oral)**

This is a petition for suspension of sentence in pending appeal No.CRA No.208 of 2017 that was filed before the Additional Sessions Judge, Jalandhar, for hearing.

Petitioners have been sentenced to undergo Rigorous Imprisonment for 7 years for the offence under Section 468 of the Indian Penal Code, 1860 (for short 'IPC') along with other offences, with fine. They filed appeal before the Sessions Court which is pending. They also applied for suspension of sentence on the ground that they were already on bail during trial and there was no evidence to show that they had misconducted themselves while on bail.

Learned lower Appellate Court having gone through the facts in the prosecution case found that the accused persons had made conspiracy to execute sale-deed on the basis of forged power of attorney and by using them as genuine, cheated the complainant. The trial Court has also imposed fine in the sum of ₹1,00,000/- (i.e. ₹50,000/- each petitioner), for the offences punishable under Section 420 IPC and 468 IPC.

From the perusal of the order made by the Sessions Court, it is clear that it found that the offences for which the petitioners were convicted were serious as by executing sale-deeds on the basis of forged power of attorney, they cheated the complainant. But, then as a matter of fact, the first appeal before the lower Appellate Court being a matter of right, will have to be decided one way or the other, which is bound to take its own time. I think, it would be therefore, appropriate to suspend the substantive sentence awarded to the petitioners. In so far as the suspension of fine of ₹1,00,000/- (₹50,000/- each petitioner) is concerned, I think since the petitioners collected huge amounts by executing sale-deeds on the basis of forged power of attorney, as prima-facie, found by the lower Appellate Court, the deposit of fine of ₹1,00,000/- (₹50,000/- each petitioner) should be pre-condition, if the petitioners want to be on bail during the pendency of the appeal. In that view of the matter, the following order is passed:-

**ORDER**

- (i) CRM-M-19390 of 2017 is partly allowed;
- (ii) The substantive sentence awarded to the petitioners is suspended till the decision in the appeal before the Sessions Court. However, the sentence of fine is not suspended and the petitioners will have to deposit ₹1,00,000/- (₹50,000/- each petitioner) before the trial Court, as a pre-condition for release on bail.

**(A.B. CHAUDHARI)**  
**JUDGE**

**May 30, 2017**  
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No