

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.4396 of 2016 (O&M)

Date of decision:11.07.2017

Anil alias Pahari

...Petitioner

V/S

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjeev Kodan, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

ARVIND SINGH SANGWAN, J.(Oral)

In this revision, the petitioner has challenged the order dated 15.09.2016 passed by the Additional Sessions Judge, Jhajjar, vide which, an application filed by him under Section 389 of Criminal Procedure Code for suspension of sentence, in an appeal filed by the petitioner against the judgment of conviction and order of sentence dated 09.09.2016 was dismissed.

Learned counsel for the petitioner contends that the only reason which has been taken by the Appellate Court in rejecting the prayer for suspension of sentence is that at one point of time during the pendency of the trial, the petitioner was declared proclaimed offender on 20.04.2012, therefore, he was arrested on 11.03.2013.

Since, the petitioner has filed the first appeal before the Additional Sessions Judge, Jhajjar, which is likely to take long time, without commenting on the merits of the case, sentence of the petitioner during the pendency of the appeal before the Court of Additional Sessions

Judge, Jhajjar, shall remain stayed. However, it will be open for the prosecution to seek cancellation of bail, in case, the petitioner misuse the same.

The present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the concerned CJM/ trial Court/ Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

11.07.2017
Hemlata

Whether speaking/reasoned	Yes / No.
Whether reportable	Yes / No.