

231 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Hemlata  
2017.11.27 17:37  
I attest to the accuracy and  
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CRR-3501-2017(O&M)

Date of decision: 27.11.2017

Surender

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Pawan Kumar Suri, Advocate for  
Mr. Rai Singh Chauhan, Advocate, for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for setting aside the order dated 28.07.2017 passed by the Additional Sessions Judge, Jhajjar, dismissing the application of the petitioner filed under Section 389 of Cr.P.C. for suspension of sentence during pendency of the appeal filed by the petitioner against the judgment of conviction and order of sentence dated 18.04.2017/24.04.2017.

Learned counsel for the petitioner submits that vide order dated 18.09.2017 passed in CRR No.3241 of 2017, the sentence of co-accused Bhanwara Ram has been suspended by this Court by passing the following order:-

*“Prayer in this petition is for setting aside the order dated 28.07.2017 passed by the Lower Appellate Court, vide which while entertaining the appeal filed by the petitioner against the judgment of conviction dated 18.04.2017 and order of sentence dated 25.04.2017, the application for suspension of sentence of the petitioner awarded for six years rigorous imprisonment was dismissed.*

*Counsel for the petitioner submits that the petitioner has already undergone 07 months and 09 days out of actual sentence. He further submits that the decision of the*

*appeal will take some time to mature.*

*Learned counsel for the State has not disputed the actual sentence undergone by the petitioner.*

*Without commenting upon the merits of the case, remaining substantive sentence of petitioner is ordered to be suspended during pendency of the appeal pending before the Appellate Court, subject to payment of fine, on his furnishing bail / surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate, Jhajjar.*

*Disposed of.”*

Without commenting upon the merits of the case, remaining substantive sentence of the petitioner is ordered to be suspended during pendency of the appeal pending before the Appellate Court, subject to payment of fine, on his furnishing bail / surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate, Jhajjar.

Disposed of.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**27.11.2017**  
Hemlata

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|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether reportable        | Yes / No |