

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38176-2018

Date of Decision:-06.09.2018

Ramandeep singh @ Romi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasraj Singh, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

The petitioner assails order dated 31.07.2018 passed by learned Additional Sessions Judge, Hoshiarpur. The impugned order reads as follows: -

“Case received by transfer. It be checked and registered. Appellant has not come present. On the previous date, he was also absent from the Court. Even, appellant has not complied with order and has not furnished bail bonds and surety bonds regarding suspension of his sentence, which stands automatically canceled. Let arrest warrants of appellant be issued for 7.9.2018.”

The petitioner having been convicted by learned Judicial Magistrate Ist Class, Hoshiarpur for having committed offence punishable

under Section 25 of the Arms Act read with Section 34 of Indian Penal Code, 1860 had been sentenced to undergo rigorous imprisonment for two years and had also been imposed fine amounting to ₹500/- vide judgment of conviction dated 28.02.2018. Vide separate order of same date the sentence imposed upon the petitioner was suspended by learned Judicial Magistrate Ist Class till 27.03.2018 so as to enable him to file an appeal. Thereupon an appeal having been preferred, the learned Sessions Judge Hoshiarpur vide order dated 20.03.2018, while admitting the appeal ordered for suspension of sentence during the pendency of appeal subject to the petitioner furnishing personal bonds and surety bonds within ten days. However despite the said order having been passed on 20.03.2018, it appears that the petitioner did not furnish requisites bonds. Thereafter, vide order dated 31.07.2018 the impugned order was passed. It may here be mentioned that on the said date, the petitioner was not even present in the Court and the learned Appellate Court noticed that even bail bonds and surety bonds had not been furnished.

Learned counsel for the petitioner submits that the petitioner never had any intention to flee from the justice and it was on account of sheer inadvertence that the requisite bonds were not furnished at the relevant time. It has thus been prayed that the impugned order be set aside and that he be allowed to furnish bail and surety bonds immediately.

The present case does not appear to be a case of intentional omission and looks to be a case of casual and careless approach on part of the petitioner. Having heard learned counsel for the petitioner, the petition is disposed of with a direction that in case the petitioner surrenders before the

learned lower Appellate Court within one week from today and files an application afresh under Section 389 Criminal Procedure Code for suspension of sentence, the same shall be decided by the learned Lower Appellate Court on the date of filing itself.

The petition stands disposed of with the aforesaid direction.

(GURVINDER SINGH GILL)
JUDGE

06.09.2018
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No