

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

**CRM-M No. 8338 of 2018
Date of Decision:-12.03.2018**

Ranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. B.S. Jatana, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

AMOL RATTAN SINGH J.(Oral)

On notice, Ms. Monika Jalota, DAG, Punjab, puts in appearance.

On instructions, she does not deny the factual position to the effect that upon the sentence of two years of the petitioner having been suspended by the trial Court itself, vide its order dated 22.9.2010, that being the same date on which the sentence was pronounced upon the petitioner and his co-accused, after they were convicted for various offences (the petitioner being convicted for the commission of offences punishable under Sections 324 and 323, both read with Section 149 of IPC), the petitioner thereafter did not furnish fresh bail bonds on 21.10.2010 as he was

supposed to in terms of the order dated 22.9.2010.

Learned counsel for the petitioner on the other hand submits that the petitioner already having been arrested on 14.10.2010 on FIR No.28 having been registered against him on 11.10.2010, alleging therein the commission of offences under Section 302 IPC etc., he did not wish to furnish such bail bonds because he would have remained in custody in any case.

He, therefore, submits that the petitioner's custody even pursuant to his conviction and sentence on 22.9.2010, in the context of FIR No.143 dated 25.12.2007, would run from the date of his arrest, he not having furnished any bail bonds in that case, as already noticed hereinabove.

The contention therefore is that the learned Sessions Judge, vide the impugned order, wholly erred in appreciating that fact and in ordering that the petitioner's custody would start running from the date of the impugned order, dated 7.6.2014.

Having considered the aforesaid contentions, I agree with learned counsel for the petitioner, that though the petitioner should have correctly brought to the notice of the authorities and also should have moved an application at an earlier stage that he does not wish to furnish bail bonds, the fact remains that he was taken into custody on 14.10.2014, with him not having furnished fresh bail bonds after surrendering to the Court in the context of his conviction pursuant to No.143 dated 25.12.2007 having been registered against him.

He already being on bail vide the order of the trial Court dated 22.9.2010, till 21.10.2010, it is, therefore, directed that the period of custody of petitioner in the context of his conviction and sentence by way of the aforesaid judgment dated 22.9.2010, arising out of FIR No.143 dated 25.12.2007, is deemed to be running from 21.10.2010.

Consequently, the impugned order is modified to the aforesaid extent, that instead of the petitioner's custody to be counted from 7.6.2014, it would be counted from 21.10.2010 in the context of his conviction for the offences that he was so convicted, pursuant to FIR No.143 dated 25.12.2007 having been registered at Police Station Bhikhi, District Mansa.

This petition is accordingly disposed of.

March 12, 2018
Vijay Asija

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No