

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

CRM-M-8420-2018
Date of decision: 27.07.2018

Sunny Kumar @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Nitin Rathour, Advocate for
Mr. B. S. Bhalla, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 75 dated 18.10.2013, registered under Sections 457, 380 and 411 of the IPC at Police Station Sadar, Pathankot, during the pendency of the appeal before the Sessions Judge, Pathankot.

Learned counsel for the petitioner submits that the petitioner was convicted by the trial Court vide judgment dated 09.08.2016 under Section 411 IPC and was ordered to undergo imprisonment for 02 years. Thereafter, the petitioner has filed appeal bearing CRA No. 78 of 2016 which is pending before the Court of Sessions and the sentence of the petitioner was suspended, however, the petitioner failed to appear before the Court and thereafter, the petitioner again surrendered before the Court on 13.11.2017 and since then, he is in judicial custody. Learned counsel for the

petitioner submits that non-appearance of the petitioner before the Court was not intentional rather due to his ill health. It is also submitted that despite the fact that the petitioner is in judicial custody since 13.11.2017, his appeal has not been decided and the petitioner has undergone substantive sentence of more than 08 months.

Learned State counsel, on the basis of the custody certificate dated 05.03.2018, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the sentence awarded to the petitioner is 02 years as per the judgment of conviction dated 09.08.2016 passed by the trial Court; he is in judicial custody since 13.11.2017; has undergone substantive sentence and his appeal is still pending before the Court of Sessions; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate, concerned.

July 27, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No