

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

CRM-M No.36811 of 2019 (O&M)

Date of decision: 03.09.2019

Ramphal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Bhupender Singh Ghangas, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for setting-aside the order dated 09.08.2019 passed by the Lower Appellate Court (Annexure P3) vide which, the application filed by the petitioner/convict for extending the period to submit the probation bonds in terms of the judgment dated 28.03.2019 was declined.

Brief facts of the case are that the petitioner was convicted by the trial Court vide judgment dated 02.08.2017 and was sentenced to undergo 06 months' rigorous imprisonment vide order of sentence dated 05.08.2017. The petitioner preferred an appeal, which was partly allowed vide judgment dated 28.03.2019 by reducing the sentence to probation and the petitioner was directed to furnish the probation bonds in a sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of the trial Court subject to the condition that he will keep peace, harmony and good behaviour for a period of 01 year from the date of passing of the judgment. It was also ordered that if the petitioner fail to furnish the probation bonds, then in that eventuality, the sentence awarded by the trial Court shall stand automatically revived.

Counsel for the petitioner has submitted that due to miscommunication, the petitioner could not furnish the probation bonds in time. It is further submitted that since the judgment of the Lower Appellate Court is in favour of the petitioner, there was no occasion for the petitioner, not to furnish the probation bonds in the prescribed time and, therefore, he has made out a *bona fide* ground for extension of the time for furnishing the bonds.

Notice of motion.

Mr. Himmat Singh, DAG, Haryana who is present in the Court accepts notice on behalf of the respondent and has not raised any serious objection to the submission made by counsel for the petitioner.

After hearing the counsel for the parties, considering the fact that the only grievance of the petitioner is for extension of time for furnishing the probation bonds, I find merit in the present petition and accordingly, the same is allowed and the petitioner is granted 01 month more time to furnish the requisite bonds in terms of the judgment dated 28.03.2019.

It is made clear that if the petitioner fails to furnish the bonds on or before 01.10.2019, the direction given in the aforesaid judgment that the sentence awarded by the trial Court shall stand automatically revive, will operate against the petitioner.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

03.09.2019
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No