

RAKESH @ LALA VS STATE OF HARYANA

Present: Mr. Hardeep Singh Kasan, Advocate
for the appellant.

Mr. Ashish Sanghi, DAG, Haryana.

CRA-S-3916-SB-2018

Heard.

Admitted.

CRM-35701-2018

Present application under Section 389 of the Criminal Procedure Code has been filed for suspension of sentence of applicant/appellant Rakesh alias Lala, during pendency of the appeal.

Learned counsel representing the applicant-appellant contended that the applicant-appellant was found to be in possession of 6 grams and 20 milligrams of smack and was convicted under Section 21(b) of the N.D.P.S. Act and was sentenced to undergo 16 months' rigorous imprisonment and to pay a fine of Rs.20,000/-. By now, the applicant-appellant has already undergone total sentence of 07 months and 15 days. There are fairly arguable points on merits in the main appeal as well which has been admitted. The decision of the appeal still to take some more time, so remaining sentence of the applicant-appellant be suspended and he be released on bail, during pendency of the appeal.

Learned State, on the basis of custody certificate filed today, which is taken on record, has affirmed the period of detention to be over 07 months against awarded sentence of 16 months.

Having considered the submissions made by learned counsel for both the sides and the fact that the applicant-appellant has already undergone total sentence of 07 months and 15 days against the awarded sentence of 16 months, the main appeal has been admitted for hearing and as decision of the appeal still to take some more time, no useful purpose would be served by detaining the applicant-appellant behind the bar any more, the remaining sentence of applicant-appellant Rakesh alias Lala shall remain suspended, during the pendency of the appeal, subject to his furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate.

Application is allowed.

(Shekher Dhawan)
Judge

27.02.2019
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