

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

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CRM-M-12372-2021.

Date of Decision: 17.03.2021.

Monu

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Rahul Jaswal, Advocate for petitioner.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 482 Cr.P.C. has been moved by petitioner impugning the legality of order dated 01.03.2021 (Annexure P/4) rendered by learned Sessions Judge, Panipat (Appellate Court), in terms of which, application dated 01.03.2021 moved by petitioner in Criminal Appeal No.409 of 2019 arising out of FIR No.546 dated 20.10.2014 under Sections 323, 325 and 506 IPC (wrongly mentioned as Section 405 IPC in the head note of petition) read with Section 34 IPC, registered at Police Station Samalkha, District Panipat, seeking extension of time for payment of compensation amount and to furnish probation bonds as per judgment dated 19.01.2021 (Annexure P/2) passed by learned Sessions Judge, has been dismissed.

Learned counsel for the petitioner *inter alia* contends that in case FIR No.546 dated 20.10.2014, as detailed above, petitioner and co-

accused were convicted and sentenced, vide judgment of conviction dated 19.10.2019 and order of sentence dated 22.10.2019 passed by learned Judicial Magistrate Ist Class, Samalkha. However, in appeals preferred by petitioner as well as co-accused, learned Sessions Judge, vide judgment dated 19.01.2021 (Annexure P/2), upheld the conviction but released the accused persons on probation under Section 4 of the Probation of Offenders Act, 1958 read with Section 360 Cr.P.C., subject to payment of total compensation amount of Rs.60,000/- (Rs.20,000/- by each accused) to complainant/injured-Sandeep and further on furnishing probation bonds in the sum of Rs.50,000/- with one surety in the like amount and the said compliance was ordered to be made on or before 15.02.2021, failing which the appeals were deemed to be dismissed in toto. He further urges that learned Sessions Judge, Panipat, vide order dated 22.02.2021 (Annexure P/5) ordered that on failure of petitioner to furnish probation bonds and to deposit the compensation amount, the appeal is ordered to be restored to its original number and further ordered for securing appearance of petitioner through warrant of arrest returnable on or before 16.03.2021. He further submits that as petitioner was unwell, he could not make compliance of judgment dated 19.01.2021 (Annexure P/2) and especially the fact that order dated 22.02.2021 (Annexure P/5) has been passed behind the back of petitioner, the said order is liable to be modified in the manner that petitioner is ready and willing to make compliance of judgment dated 19.01.2021 (Annexure P/2) in letter and spirit and he shall deposit compensation amount and furnish probation bonds before the Court concerned on or before 31.03.2021 positively.

Notice of motion.

At the asking of Court, Mr. Vikrant Pamboo, Deputy Advocate General, Haryana, accepts notice on behalf of respondent-State. Complete copy of paperbook has been supplied to him.

Learned State counsel submits that he has no objection in case the time for depositing compensation amount and furnishing probation bond is extended to the petitioner.

In view of above undertaking given at the instance of petitioner, impugned order dated 01.03.2021 (Annexure P/4) passed by learned Sessions Judge, Panipat, is set aside and resultantly petitioner/accused is directed to appear before the Court concerned on or before 31.03.2021 for depositing compensation amount of Rs.20,000/- and shall furnish probation bond with one surety as ordered by learned Sessions Judge. Meanwhile, no coercive steps shall be taken against the petitioner in pursuant to order dated 22.02.2021 (Annexure P/5).

It is pertinent to mention here that in case of non-compliance of undertaking given by the petitioner, as detailed above, order dated 22.02.2021 (Annexure P/5) rendered by learned Sessions Judge, Panipat, would become operational on 01.04.2021.

Petition stands disposed of accordingly.

(LALIT BATRA)
JUDGE

17.03.2021

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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No