

CRM-M-15689-2021

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

**CRM-M-15689-2021 (O & M)
Date of decision: 08.04.2021**

Gurpreet Singh @ Kaka and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Hitesh Verma, Advocate,
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the order dated 07.12.2020 (Annexure P-1) passed by the learned Additional Sessions Judge, Bathinda, vide which application moved by the petitioners, seeking extension of time to furnish probation bonds in pursuance of the judgment dated 13.01.2020 (Annexure P-2) passed in an appeal filed against the judgment and order of sentence dated 22.08.2017 passed by the Chief Judicial Magistrate, Bathinda, has been dismissed.

Vide judgment of conviction and order of sentence dated 22.08.2017, the petitioners alongwith one Vicky Singh had been convicted in FIR No.67 dated 04.03.2015, registered at Police Station Kotwali, Bathinda, under Sections 356, 354, 341 and 34 IPC, and sentenced them for a period of one year each. Being dissatisfied with their conviction, the petitioners and Vicky Singh filed an appeal before the learned Additional Sessions Judge, Bathinda, which had been disposed of by upholding the conviction of the petitioners, but with a modification of releasing them on

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probation of good conduct for a period of one year, subject to them furnishing the personal bonds in the sum of Rs.10,000/- with one surety of the like amount within 15 days from the date of judgment. It was also ordered that in case, they did not comply with the said order, their appeal would be treated to have been dismissed.

Learned counsel for the petitioners contends that due to some unavoidable circumstances and in the prevailing situation of Covid-19 pandemic, the petitioners could not furnish the probation bonds in pursuance of the judgment dated 13.01.2020. There was no malafide intention on the part of the petitioners to not furnish the bonds. The petitioners moved an application dated 22.06.2020 (Annexure P-4), seeking extension of time to furnish the bonds, but the said application has been dismissed, vide impugned order dated 07.12.2020 (Annexure P-1).

Notice of motion.

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. A.G.Punjab, accepts notice on behalf of respondent No.1.

At this stage, Ms. Amarinder Kaur, Advocate, puts in an appearance on behalf of the complainant and does not dispute the fact that a compromise has been effected between the parties.

I have heard the learned counsel for the parties.

The submissions made by the learned counsel for the petitioners regarding their inability to furnish the requisite bonds due to Covid-19 pandemic and some unavoidable circumstances, merits acceptance.

In view of the above, the present petition is allowed and the

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impugned order dated 07.12.2020 (Annexure P-1) is set aside. The petitioners are granted 15 days' more time from today to furnish the requisite bonds in compliance of the directions contained in the judgment dated 13.01.2020 (Annexure P-2) passed by learned Additional Sessions Judge, Bathinda.

08.04.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No