

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3956-2022

Date of Decision: 01.02.2022

Rajesh Kumar

...Applicant

Versus

State of Haryana & another

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

ANOOP CHITKARA, J.

Feeling aggrieved by the order dated 05.03.2020 (Annexure P-6) passed by the appellate Court, the petitioner has come up before this Court. The operative part of the aforesaid order reads as under:-

".... The appellant/convict is directed to produce stay order, if any, failing which, the compliance qua interim compensation be made and in case of non-compliance, the bail granted vide order dated 20.12.2018 and suspension of sentence shall stand cancelled."

2. Literal meaning appears to be that sentence can never be suspended until the compensation amount is deposited. If the compensation amount is not deposited, owing to any difficulty or personal circumstances, the convict will never be out of prison till the completion of his entire sentence, which is not practicable.

3. Thus, the controversy in issue is with regard to deposit of 20% of the compensation amount. The parties are approaching the Courts only on this issue, whereas it could have been resolved even at the end of learned Sessions Court. Thus, this Court requests the appellate (Sessions) Court, which is seized of the matter in Criminal Appeal No.333 of 2018, as mentioned in Annexure P-6, to hear the same and decide on merits on or before 28.02.2022.

4. The accused shall not seek any adjournment and on such belief, no coercive step

be taken against him till 28.02.2022. However, in case the accused seeks any adjournment, the concerned Court shall proceed to decide the appeal by appointing a legal aid counsel. It is also clarified that in case the complainant tries to take date, then even for the complainant, the concerned Court may appoint a legal aid counsel and proceed to decide the appeal on merits.

5. Given above, this petition is disposed of with aforesaid directions.

6. *There would be no need to furnish a certified copy of this order before the concerned Court, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the concerned Court wants to verify the authenticity, it can also verify its authenticity and may download and use the downloaded copy.*

Petition disposed of. All pending applications, if any, shall also stand disposed of.

(ANOOP CHITKARA)
JUDGE

February 01, 2022
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No