

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

135

CRM-M-45402-2022 (O&M)

Date of Decision: 29.09.2022

GURWINDER SINGH @ GURBINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. PKS Phoolka, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for setting aside the order dated 03.08.2022 passed by the learned Additional Sessions Judge, Bathinda in case bearing No.CRA No.377 of 2017, vide which the concession of suspension of sentence granted to the petitioner was withdrawn.

In criminal appeal No.377/2017, pending before the learned Additional Sessions Judge, Bathinda, the petitioner absented himself from the proceedings and accordingly, vide the order impugned herein, the Appellate Court cancelled the order suspending his sentence and issued non-bailable warrants to secure his presence.

Learned counsel for the petitioner submits that the absence of the petitioner was not intentional and rather the same occurred due to intimation of a wrong date i.e. 03.09.2022 instead of 03.08.2022 by his counsel before the Appellate Court. It is further submitted that as a matter of fact counsel had also entered in his diary the same date i.e. 03.09.2022.

Be that as it may, the fact remains that the petitioner absented himself from the proceedings and the only object of the impugned order is to secure his presence. Therefore, the said order is set aside with a direction to the petitioner to surrender before the Appellate Court, within a month from today, subject to payment of Rs.15,000/- with the concerned District Legal Services Authority. On his doing so, the petitioner shall be released on bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the Appellate Court.

29.09.2022

(HARNARESH SINGH GILL)

Aman Jain

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No