

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

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1. CRM-45827-2022 in CRR-2599-2022

Neetu @ Narender Vs. State of Haryana

2. CRM-45409-2022 in CRR-2573-2022

Surender Vs. State of Haryana

3. CRM-49224-2022 in CRR-2840-2022

Kuldeep Tyagi Vs. State of Haryana

4. CRM-3827-2023 in CRR-269-2023

Tek Chand Vs. State of Haryana

Present: Mr. KDS Hooda, Advocate
for the applicant-petitioner in CRR-2599-2022.

Mr. Deepender Singh, Advocate
for the applicant-petitioner in CRR-2573-2022.

Mr. Divyam Singh, Advocate
for the applicant-petitioner in CRR-2840-2022.

Mr. Abhinav Aggarwal, Advocate for
Mr. Baljeet Beniwal, Advocate
for the applicant-petitioner in CRR-269-2023.

Mr. R.S. Nain, DAG, Haryana.

GURBIR SINGH, J

Since identical questions of law and facts are involved in all the above said applications, the same are being disposed of by this common order.

The challenge is laid to the judgment dated 17.10.2022 passed by the learned Additional Sessions Judge, Faridabad, whereby two separate appeals i.e. one filed by Neetu @ Narender, Tek Chand and Surender

whereas another filed by Kuldeep Tyagi, against the judgment of conviction and order of sentence dated 27.02.2019 passed by the learned JMIC, Faridabad, convicting them under Sections 147, 148, 323, 325 and 341 IPC and *inter alia* sentencing them have been dismissed.

Heard.

There are arguable points. So revisions are admitted.

CRM-45827-2022 in CRR-2599-2022,
CRM-45409-2022 in CRR-2573-2022,
CRM-49224-2022 in CRR-2840-2022 and
CRM-3827-2023 in CRR-269-2023

The present applications have been filed by all the four applicants-petitioners for suspension of sentence during the pendency of the revision petitions.

Vide judgment of conviction and order of sentence dated 27.02.2019, passed by the learned JMIC, Faridabad, the applicants-petitioners have been convicted and sentenced as under:-

Offence U/s	Imprisonment	Fine	In default of payment of fine
147 IPC	RI for a period of two years	-	-
148 IPC	RI for a period of two yeas	-	
323 IPC	RI for a period of six months	-	
325 IPC	RI for a period of two years	Rs.1000/-	Simple imprisonment for a period of one month
341 IPC	SI for a period of one month	-	-

All the sentences have been ordered to run concurrently. Fine has already been paid by the applicants-petitioners.

Learned State counsel has opposed the prayer but has not disputed the custody period of the applicants.

Heard.

1. As per custody certificate dated 15.04.2023, petitioner Neetu @ Narender has already undergone 8 months 07 days of custody including 7 months 11 days after conviction.
2. As per custody certificate dated 15.04.2023, petitioner Surender has already undergone 8 months 6 days including 6 months after conviction.
3. As per custody certificate dated 18.04.2023, petitioner Kuldeep Tyagi has undergone 01 year 7 months 11 days including 5 months after conviction.
4. As per custody certificate dated 19.03.2023, petitioner Tek Chand has undergone 01 year 8 months including 5 months after conviction.

Mere pendency of other criminal cases would not warrant the rejection of their suspension of sentences.

Without commenting upon the merits of the case and bearing in mind the custody period besides the fact that there are no prospects of the revision petitions being heard in near future, it is ordered that the remaining sentence of all the applicants-appellants shall remain suspended during the pendency of the present revision petitions subject to their furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

If the applicants-petitioners indulges in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of his bail granted vide this order.

All the CRMs stand allowed.

A photocopy of this order be placed on files of other connected cases.

24.04.2023

(GURBIR SINGH)
JUDGE