

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.4973 of 2024
Date of Decision: 05.02.2024

PADAM SHRI BANERJI
Vs
STATE OF PUNJAB AND ANOTHER
.....Petitioner(s)
....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Vishal Thakur, Advocate
for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

- [1]. By way of present petition filed under Section 482 Cr.P.C., prayer has been made for setting aside the order dated 26.12.2023 (Annexure P-4) whereby Addl. Sessions Judge, Hoshiarpur declined the application made by the petitioner for grant of extension of time to furnish bail bonds and surety bonds in terms of order dated 05.12.2019 followed by cancellation of order of suspension of sentence on 20.10.2022.
- [2]. In the present case, in pursuance of complaint filed under Section 138 of the Negotiable Instruments Act, the petitioner was convicted and sentence vide judgment/order dated 15.11.2019 passed by the Addl. Chief Judicial Magistrate, Hoshiarpur.
- [3]. Aggrieved thereof, petitioner filed first appeal wherein vide order dated 05.12.2019, he was admitted to bail and his sentence was suspended on his

furnishing bail bonds in the sum of Rs.40,000/- each with one surety of the like amount. Having failed to comply with the same, the petitioner absented himself, resulting into cancellation of suspension of sentence vide order dated 20.10.2022 passed by the Addl. Sessions Judge, Hoshiapur.

[4]. Later, on 12.10.2023, petitioner was arrested and since then, he is behind the bars. The petitioner even moved an application for seeking extension of time to furnish bail bonds and surety bonds which was dismissed by the First Appellate Court vide order dated 26.12.2023 which is now been impugned in the present petition.

[5]. Learned counsel for the petitioner submits that total sentence awarded by the Trial Court is 01 year, out of which, the petitioner has already undergone more than 3 ½ months as he was arrested on 12.10.2023; since then he is behind the bars. Learned counsel further submits that the petitioner shall continue to appear before the First Appellate Court.

[6]. On the other hand, learned State counsel submits that the petitioner absented himself from the process of law for a long period of 03 years and thus, he does not deserve concession of suspension of sentence.

[7]. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submission made on behalf of the petitioner.

[8]. In the present case, the petitioner in pursuance of his arrest on 12.10.2023 has already suffered incarceration for a period of more than 3½ months and his first appeal is already pending consideration.

[9]. In view of aforesaid, the prayer made by the petitioner is accepted and the order dated 26.12.2023 passed by the Addl. Sessions Judge, Hoshiarpur is hereby set aside. The petitioner is granted a period of one month for furnishing bail bonds and surety bonds, which shall be accepted by the First Appellate Court subject to its satisfaction.

[10]. Petitions stands disposed of.

February 05, 2024
Atik

(HARKESH MANUJA)
JUDGE

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