

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2310-2023
Decided on : 19.04.2024

Ashok Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. C.S.Rana, Advocate
for the petitioner.

Mr. Iqbalpreet Singh, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. Instant revision petition has been filed impugning the order dated 23.08.2023 passed by learned Addl. Sessions Judge, Ludhiana vide which an application filed by the petitioner under Section 389(1) Cr.PC was dismissed.

2. Learned counsel for the petitioner *inter alia* contends that initially, vide judgment dated 06.04.2023 the petitioner was convicted along with other accused under Sections 177, 200. 420, 465, 467, 468, 471 and 120-B IPC and sentenced to undergo rigorous imprisonment for a period of two years. Subsequently, the petitioner preferred an appeal before learned Addl. Sessions Judge, Ludhiana, which is still pending adjudication. While drawing the attention of this Court to the order dated 23.08.2023, it has been submitted that his prayer for suspension of sentence was erroneously declined by the learned Appellate Court only on the ground that the petitioner was involved in some other criminal

cases. Learned counsel has urged that since he has already undergone an imprisonment of more than one year and three months out of substantive sentence of two years, his further incarceration would serve no useful purpose as there is no likelihood of the appeal being heard in the near future.

3. Per contra, learned State counsel while placing on record the custody certificate of the petitioner has not disputed the factum of the petitioner having undergone a sentence of more than one year and three months out of total sentence of two years.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. As not disputed by the learned State counsel, the petitioner has already undergone substantial amount of sentence of one year three months and 22 days out of total sentence of two years. The appeal is still pending adjudication before the Appellate Court and there is no likelihood of it being heard in the near future.

6. In the facts and circumstances and keeping in view the long period of custody of the petitioner, instant revision petition is allowed. The sentence of imprisonment of the applicant-petitioner shall remain suspended during pendency of the appeal, subject to his furnishing bail bonds/surety bonds to the satisfaction of the Appellate Court concerned.

19.04.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No