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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51861-2023
Date of Decision: 15.02.2024

Nagdev
....Petitioner

Vs.

State of UT Chandigarh
....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr.Vikas Tanwar, Advocate
for the petitioner.

Mr. Anupam Bansal, Addl. P.P. Chandigarh.

HARKESH MANUJA, J. (ORAL)

[1] By way of present petition filed under Section 482 of Cr.P.C., the prayer is made for setting aside the order dated 17.04.2023 (Annexure P-4) passed by the Court of Additional Sessions Judge, Chandigarh, whereby the application of the petitioner filed for extension of time to furnish the bail/surety bonds was rejected while entertaining first appeal, filed against the order of conviction passed by the ACJM, Chandigarh in case FIR No.205 dated 29.08.2019 under Sections 25/54/59 of Arms Act, 1959 at Police Station Sector-26, Chandigarh.

[2] The petitioner was implicated in FIR No.205 dated 29.08.2019, upon trial he was convicted and sentenced by the Court of ACJM, Chandigarh vide judgment/order dated 16.02.2023 (Annexure P-1). Aggrieved against the same, the petitioner filed an appeal wherein, vide order dated 16.03.2023, his sentence was suspended and he was directed to

furnish the requisite bail/surety bonds to the satisfaction of the concerned Court within 15 working days. Having failed to comply with same, the petitioner filed an application seeking extension of time which was declined vide order dated 17.04.2023, and the same has now been impugned by way of filing the present petition.

[3] Learned counsel for the petitioner submits that the petitioner is a poor man who was away to Delhi on account of illness of his cousin and as such, could not furnish bail/surety bonds in time and thus, the prayer for extension of time was made which was wrongly denied.

[4] On the other hand learned counsel for U.T. Chandigarh opposed the prayer while submitting that the petitioner misused the process of law as he was granted sufficient time to furnish bail/surety bonds but failed to comply with the same and thus, the impugned order does not call for any interference.

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

[6] In the given facts and circumstances, once the petitioner is willing to surrender himself to the jurisdiction of the Court concerned with an undertaking that he would furnish fresh bail/surety bonds within a period of seven days from today, the present petition deserves to be allowed purely in the interest of justice so that the parties get an opportunity to get their dispute adjudicated upon his on merits. As such, the petitioner is hereby granted seven days' time to furnish his fresh bail/surety bonds before the Court concerned.

[7] Accordingly, the impugned order dated 17.04.2023 is set aside and the present petition is allowed subject to payment of costs of Rs.5000/- to be deposited with the Legal Services Authority, Chandigarh. Till then, no coercive steps be taken against the petitioner.

[8] However, on conclusion of aforesaid period of seven days, in case the petitioner fails to surrender, the SSP Chandigarh is requested to take necessary steps against the petitioner, in accordance with law.

15.02.2024
monika

(HARKESH MANUJA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>