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

**CRR No.1122 of 2025
Date of decision : 30.04.2025**

Simran Singh @ Honey

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Beant Singh Seemar, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for setting aside the the condition of depositing of fine in the impugned order dated 28.03.2025 passed by the learned Additional Sessions Judge, Sangrur in the application moved by the petitioner for suspension of sentence in the appeal bearing CRA No.150 of 2025 preferred against the judgment of conviction and sentence dated 26.03.2025 in case bearing FIR No.104, dated 07.09.2018, under Sections 61/1/14 of Punjab Excise Act, 1914, registered at Police Station Khanauri, District Sangrur by the Court of learned Sub Divisional Judicial Magistrate, Moonak. A prayer has been made for staying the condition of depositing of fine imposed in the impugned order dated 28.03.2025.

2. It has been contended by learned counsel for the petitioner that the petitioner was convicted by the learned trial Court vide order dated 26.03.2025, and was also awarded the sentence of 02 years rigorous



imprisonment along with fine to the tune of Rs.2 lacs and in default of payment of fine to further undergo 01 month rigorous imprisonment. He has submitted that the order dated 26.03.2025 was assailed by the petitioner by way of filing an appeal before the learned Appellate Court. He has submitted that the learned Appellate Court, at the time of suspending the sentence of the petitioner vide impugned order dated 28.03.2025, imposed the condition of paying the fine awarded by the trial Court which is, at this stage itself is not legally sustainable. He has submitted that even otherwise the condition imposed by the learned Appellate Court being harsh, is totally against the law.

3. Notice of motion.

4. On the asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State. He has opposed the contentions raised by learned counsel for the petitioner.

5. After hearing counsel for the parties, this Court finds that the learned trial Court has convicted the petitioner and awarded him sentence of 02 years rigorous imprisonment along with fine. The petitioner further challenged the said order by way of filing an appeal before the learned Additional Sessions Judge, Sangrur and also moved an application for suspension of his sentence during the pendency of the appeal and the learned Appellate Court while allowing the suspension of sentence, directed him to deposit the fine of Rs.2.00 lacs as imposed by learned trial Court vide order dated 28.03.2025. The petitioner is aggrieved of the condition of deposit of Rs.2.00 lacs as ordered by the learned Additional Sessions Judge, sangrur vide order dated 28.03.2025. This Court finds the said condition imposed by the learned Appellate Court to be harsh as the



main appeal is yet to be decided by the learned Appellate Court. So the condition of deposit of Rs.2.00 lacs imposed as fine upon the petitioner by the trial Court as directed by the learned Appellate Court, is *set aside* and the fine imposed by the trial Court upon the petitioner is stayed, during the pendency of the appeal pending before the learned Additional Sessions Judge, Sangrur. Rest of the contents of the order dated 28.03.2025, passed by the learned Additional Sessions Judge, Sangrur shall remain intact.

6. With the above observations, the present petition stands disposed of.

30.04.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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