

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

267

CRR-1268-2025 (O&M)
Reserved on : 11.11.2025
Pronounced on : 17.11.2025

GURPREET SINGH @ GOPA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Akshay Kumar, A.A.G, Punjab.

ANOOP CHITKARA, J. (ORAL)

1. The petitioner, who was an accused for the offence punishable under Section 304-A read with 279 IPC, was acquitted by the trial Court. However, the victim had filed an appeal before the Sessions Court which overturned the judgment of acquittal and vide judgment dated 15.04.2025, convicted the petitioner for the offence punishable under Sections 304-A and 279 IPC.
2. However, at the time of pronouncement of sentence, in para no.18 of the judgment dated 15.04.2025, it was observed that under Section 427 of the BNSS, 2023, the Appellate Court shall hear the appeal only when the accused is represented and not otherwise. It is not necessary that accused must appear before the Appellate Court. However, section 271(2) BNSS, 2023 provides opportunity to accused to be heard on the point of quantum of sentence.
3. In the present case, the accused was represented before the Sessions Court at the time of hearing of the appeal, however, he was not present and the impugned judgment dated 15.04.2025 was pronounced and petitioner was convicted. As petitioner was not present, as such, pronouncement of sentence was deferred till the date of arrest of accused as per concluding para of judgment.
4. Counsel for the convict submits that if the order was in this stratum there was no problem but the Appellate Court uploaded order of sentence on the same date, sentencing

petitioner to rigorous imprisonment for two years under Section 304-A IPC and rigorous imprisonment for six months under Section 279 IPC. He further submits that when the matter was taken up on 05.08.2025 the co-ordinate Bench of this Court sought clarification from the concerned Court. As per the report of Appellate Court, a wrong order was uploaded by the stenographer, however, till date no sentence order is there.

6. I have gone through the report dated 11.08.2025 given by learned Additional Sessions Judge, Kapurthala and I am in agreement with it, as such, no further action is required in the matter, as mistake is due to inadvertence.

7. Counsel for the petitioner submits that as per the clarification of the Appellate Court, now there is no sentence order. Since the production of petitioner is ordered through arrest warrant, it is impossible for him to appear and he prayed for stay on the arrest warrant against the petitioner, till the pronouncement of order of sentence.

8. Given above, the present petition is partly allowed and order of sentence which is not legally passed is set aside. However, the conviction order is subject to challenge by filing a revision petition again if the convict is aggrieved by the order of sentence or the conviction order itself. The matter is remanded back to the learned Sessions Court. It is clarified that now the petitioner is aware of the judgment passed by the Appellate Court, as such, petitioner is directed to surrender before the concerned Appellate/Sessions Court on or before 28.11.2025 by 11 a.m and concerned Court is requested to release the petitioner on interim bail subject to furnishing bail bonds to its satisfaction till the pronouncement of order of sentence. It is clarified that if the petitioner fails to appear before the concerned Court till 11.00 A.M on 28.11.2025, proclamation proceedings be initiated against him.

10. Needless to say that since the Sessions Court is the first Sentencing Court, it means the petitioner shall have a right to take legal remedies in accordance with law. Consequently, the Sessions Court shall proceed by granting interim suspension of sentence to the petitioner for a period of one month to enable him to file an appeal before this Court under Section 415 BNSS.

(ANOOP CHITKARA)
JUDGE

17.11.2025/Jyoti-II

Whether speaking/non-speaking: Speaking
Whether reportable: No.