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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56037-2025

Date of Decision: 15.10.2025

Gurmail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. T.P.S. Makkar, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. By virtue of the present petition, petitioner has prayed for quashing of the order dated 12.05.2025 (Annexure P-6) passed by the Ld. ASJ, Sri Muktsar Sahib in CRA No.308 of 2019, whereby the order dated 04.11.2019 vide which sentence of the petitioner was suspended, has been revoked and his presence has been sought to be procured through non-bailable warrants.
2. Learned counsel for the petitioner submits that petitioner was convicted by learned JMIC, Sri Muktsar Sahib vide judgment dated 04.10.2019 in the following terms:-

Name of convict	Under Section	Sentence	Fine	Default sentence
Gurmail Singh	420 IPC	R.I. for a period of two years	Rs.100/-	S.I. for a period of 07 days

Thereafter, appeal was filed, in which the sentence imposed upon the petitioner was suspended by the Ld. ASJ, Sri Muktsar Sahib vide order dated

04.11.2019, which is as under:-

“Appeal received by way of entrustment. Report of office seen. Since fairly arguable points have been taken in the grounds of appeal, so, this appeal is admitted for hearing subject to all the just and legal exceptions. Let, it be registered and notice of this appeal be served upon the respondent/State for 10.01.2020.

However, Along with the appeal, an application for seeking suspension of sentence has also filed. Heard. Fine has already been deposited before learned trial court. However, it will take time for this Court to dispose of the appeal finally on merits. So, sentence awarded to the appellants is suspended till the final decision of the present appeal, subject to their furnishing bail bonds in sum of Rs. 30,000/- with one surety in the like amount, within 15 days to the satisfaction of learned Area Magistrate/Duty Magistrate.”

Learned counsel for the petitioner contends that petitioner was continuously appearing before Ld. Appellate Court on each and every date. On 12.05.2025, however, he could not appear before the Court on account of ill health of his wife, who was diagnosed with cancer. Medical treatment record is appended as Annexure P-5.

Continuing further learned counsel submits that on account of absence of petitioner, learned trial Court hastily proceeded to revoke the order dated 04.11.2019 vide which suspension of sentence so granted to the petitioner, had been allowed. His (P) bail was cancelled. Bail Bonds/Surety Bonds were also cancelled and his presence was sought to be procured by non-bailable warrants. Learned counsel contends that the reason for the absence of the petitioner on the day fixed before the appellate Court, has already been mentioned hereinabove. The absence was not intentional, but was on account of extreme medical exigency of the wife of the petitioner. Learned counsel submits that petitioner undertakes to appear before the learned First Appellate Court on each and every date of hearing and further assures that no request for

adjournment shall be made on his (P) behalf.

3. Heard. Documents perused.

4. Impugned order dated 12.05.2025 has been carefully read along with the other documents that have been brought on record. The same does not suffer from any illegality or irregularity, warranting this Court to interfere with the same. Nonetheless, taking into consideration the reason for his absence from the Court on the day fixed so cited by petitioner, along with the medical record that has been appended along with petition, lenient view is taken in favour of the petitioner, who is directed to appear before the learned First Appellate Court on or before 09.12.2025. On his appearance, he shall be deemed to be on bail subject to the condition so imposed by the learned First Appellate Court. On his doing so, the sentence so awarded to the petitioner shall be suspended till the disposal of the appeal.

It is made clear that this concession has been granted to petitioner only on the ground that he will continue to appear regularly before the First Appellate Court. Further, since the appeal is more than 06 years old, learned First Appellate Court is requested to make sincere efforts to dispose of the appeal preferably by 28.02.2026.

Accordingly, the present petition stands disposed of.

15.10.2025

Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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