

2022 LiveLaw (SC) 126

IN THE SUPREME COURT OF INDIA

DINESH MAHESHWARI; VIKRAM NATH, JJ.

Petition for Special Leave to Appeal (Crl.) No. 612/2022

KRISHAN KUMAR VERSUS THE STATE OF HARYANA

Code of Criminal Procedure, 1973; Section 389 - Seeking relief of suspension of execution of sentence and to be released on bail is the statutory right of the appellant and there is no warrant for such a proposition that any appellant be debarred, from renewing his prayer for suspension of execution of sentence, for a particular period. As to whether such a prayer is to be granted or not is a matter entirely different but such kind of time-specific debarment is not envisaged by the law. (Para 3, 4)

(Arising out of impugned final judgment and order dated 17-12-2020 in CRM No. 5492/2020 passed by the High Court of Punjab & Haryana at Chandigarh)

For Petitioner(s) Mr. Bankey Bihari, AOR Mr. Kuldeep Sharma, Adv. Mr. Smita Pandey, Adv. Ms. Monisha Sehrawat, Adv.

ORDER

Having heard learned counsel for the petitioner and having perused the material placed on record, we are not inclined to consider interference in the principal part of the impugned order, whereby the High Court has not accepted the prayer of the petitioner for suspension of execution of sentence at the given stage.

This petition is, therefore, required to be dismissed.

However, we have also taken note of the observations made in the last part of the order impugned, whereby, the High Court has provided that the petitioner shall not approach the Court “*before a minimum period of three years from the date of conviction*”.

The aforesaid observations cannot be approved for the simple reason that seeking relief of suspension of execution of sentence and to be released on bail is the statutory right of the appellant and there is no warrant for such a proposition that any appellant be debarred, from renewing his prayer for suspension of execution of sentence, for a particular period. As to whether such a prayer is to be granted or not is a matter entirely different but such kind of time-specific debarment is not envisaged by the law. Therefore, we would annul the aforesaid observations occurring in the penultimate paragraph of the order impugned.

The petition stands dismissed subject to the above.

All pending applications shall stand disposed of.