

ITEM NO.20 Court 14 (Video Conferencing) SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Cr1.) No. 612/2022

(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)

KRISHAN KUMAR

Petitioner

VERSUS

THE STATE OF HARYANA

Respondent

(FOR ADMISSION and I.R. and IA No.10811/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.10812/2022-EXEMPTION FROM FILING O.T.)

Date : 31-01-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Bankey Bihari, AOR

Mr. Kuldeep Sharma, Adv.
Mr. Smita Pandey, Adv.
Ms. Monisha Sehrawat, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

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..

(SHRADDHA MISHRA)
SENIOR PERSONAL ASSISTANT

(RAM SUBHAG SINGH)
BRANCH OFFICER