

(2021) 02 J&K CK 0053

In the Jammu And Kashmir High Court

Case No : Criminal Appeal (S) No. 4 Of 2021, Criminal Miscellaneous No. 144 Of 2021

Balwan Singh

APPELLANT

Vs

Union Territory Of J&K

RESPONDENT

Date of Decision : 10-02-2021

Acts Referred:

Jammu And Kashmir Prevention Of Corruption Act, 2006 — Section 5(2)

Citation : (2021) 02 J&K CK 0053

Hon'ble Judges : Rajnesh Oswal, J

Bench : Single Bench

Advocate : M. Y. Akhoon, Raman Sharma

Final Decision : Disposed Of

Judgement

Learned counsel for the appellant has raised legal as well as factual issues in the present appeal and those are required to be adjudicated upon.

Admit.

Issue post admission notice. Mr. Raman Sharma, AAG accepts notice on behalf of the respondent.

Call for the record of the trial court.

List on 06.05.2021.

The present application has been filed by the appellant/applicant seeking suspension of sentence and grant of bail.

Vide judgment dated 19.01.2021, the learned Additional Sessions Judge, Anti-Corruption, Jammu (hereinafter to be referred as the trial court) in a

case, titled, State vs Balwan Singh, has convicted the appellant/applicant for commission of offences under sections 5(2) of the Jammu and Kashmir

Prevention of Corruption Act and 161 RPC and the applicant/appellant has been ordered to undergo simple imprisonment of two years and a fine of

Rs. 10,000/- under each offence. It is also ordered that in case of default of payment of fine, the applicant/appellant shall undergo further

imprisonment for two months under each offence.

It is contended that the applicant is an old man of 60 years of age and is suffering from various old aged ailments. It is further stated that during the

trial before the trial court, the applicant has been continuously appearing without any failure and has never jumped over the bail granted to him during

trial, so the appellant has prayed for suspension of the sentence and for grant of bail.

The respondent has filed the objections in which it has been stated that the applicant has been convicted on the basis of evidence led by the

prosecution before the learned trial court and the applicant is guilty of committing serious offences so the applicant is not entitled to the concession of

suspension of sentence and for grant of bail.

Heard and considered.

It is admitted case that the applicant has been sentenced for a simple imprisonment of two years and this fact has also not been denied by the

respondent that the applicant is an old man of 60 years of age. It is also borne from the record that the applicant had been regularly attending the trial

court during trial and has not jumped over the bail. The conclusion of the proceedings in the present appeal may take some time as there is no

possibility of appeal being heard in near future.

In view of above, the applicant/appellant deserves to be enlarged on bail on the following conditions:

(i) subject to furnishing of bail bond and personal bond to the tune of Rs. 50,000/- each along with one surety to the like amount to the satisfaction of

the Registrar Judicial of this Court.

(ii) he shall appear before this Court on each and every date of hearing.

(iii) he shall not leave the territorial jurisdiction of the Union Territory of J&K without the permission of this Court.

Application stands disposed of.