
(2016) 08 P&H CK 0290

In the Punjab And Haryana At Chandigarh

Case No : CRM No. 21093 of 2016 in CRA-D No. 245-DB of 2016

Suresh @ Tittu

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 02-08-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 389
Penal Code, 1860 (IPC) — Section 120B, Section 302, Section 307

Citation : (2017) 1 RCRCriminal 598

Hon'ble Judges : M. Jeyapaul and Sneh Prashar, JJ.

Bench : Division Bench

Advocate : Pawan Girdhar, Addl. Advocate General, Haryana, for the Respondent; Vivek Khatri, Advocate, for the Appellant

Final Decision : Allowed

Judgement

1. Applicant-appellant Suresh @ Tittu, who was convicted under Section 302 read with Section 120B and 307 read with Section 120B IPC moves this application praying for suspension of sentence and grant of bail having undergone 1 year 7 months and 26 days in prison.

2. Heard the submissions made on either side.

3. Of course, the period of sentence undergone by the applicant is far less but the learned counsel appearing for the applicant very effectively submitted before this Court that neither in the First Information Report nor in the statement under Section 161 Cr.P.C. of PW1 Meera Bai, the mother of the deceased there is any reference to the role of the applicant. It is only during the course of trial, PW1 Meera Bai deposed that applicant visited her house earlier and on the fateful day stood guard outside the gate of the house along with other boys. The appeal is of the year 2016. We are of the view that it may take some time for the appeal to mature for final hearing. Under such circumstances, applicant-appellant Suresh @ Tittu has made out a case for suspension of sentence and grant of bail. Accordingly, the criminal miscellaneous application is allowed and the sentence of

imprisonment of applicant-appellant Suresh @ Tittu during the pendency of the appeal is suspended and bail is granted subject to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jhajjar.