

CRMPM NO. 2107 of 2021

30.10.2021 Present: Mr. Y.P.Sood, Advocate, for the petitioner.

Mr. Sumit Raj Sharma, Advocate, for the respondent No.1.

M/s. Arvind Sharma, Additional Advocate General with Mr. Manoj Bagga, Assistant Advocate General for respondent No.2.

On the oral request of learned counsel for the petitioner, State of H.P. through Secretary (Home) to the Govt. of Himachal Pradesh is arrayed as party-respondent and shall figure as respondent No.2 in the memo of parties. Registry is directed to make necessary addition in the memo of parties.

Notice to newly added respondent No.2/State. Mr. Manoj Bagga, learned Assistant Advocate General accepts notice on behalf of respondent-State. He prays for and is granted four weeks time to obtain instructions. List on 7.12.2021.

Cr.MP(M) No. 2107 of 2021

The present application under Section 5 of the Limitation Act has been maintained by the applicant for condonation the delay in filing the revision petition. As per the applicant, as he was suffering from ailment of Gall Bladder and Pancreas and could not timely obtained the certified copy of the decision of learned Appellate Court below. He has further submitted that he was operated as his Gall bladder was brusted and stones released from it, which got stuck in the pancreas.

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Currently, the applicant is getting treatment from PGI, Chandigarh and was also admitted in PGI, Chandigarh w.e.f. 15.2.2020 to 17.2.2020 and still has not recovered from his ailment. It is further averred that father of the applicant is also physically disabled person and is also getting treatment from PGI, Chandigarh.

Learned counsel for the respondents state the they do not want to file reply to the application.

After having heard learned counsel for the parties and taking into consideration the ill health of the applicant and and perusing the documents placed on record, the delay is required to be condoned and the same is condoned. The application stands disposed of.

CRMPST No. 5495 of 2021

The present application under Section 389 of Cr.PC has been maintained for grant of bail. As per the applicant, the instant revision petition against the judgment dated 19.9.2019 passed by the learned Additional Sessions Judge, Kinnaur at Rampur Bushehar, District Shimla, HP in Cr. Appeal No.25 of 2009, whereby the appeal of the petitioner/applicant against the judgment dated 18.4.2019 passed by the learned trial court

whereby the petitioner was convicted for commission of an offence under Section 138 of the Negotiable Instrument Act and

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sentenced to undergo simple imprisonment of one year and pay compensation amount of Rs. 1.00 lac. It is further averred in the application that the petitioner is in jail in the above noted case since 5.10.2021. In the petition, the applicant has raised arguable points which require determination by this Hon'ble Court. The applicant is sole bread earner in the family. The applicant, therefore, prays that during pendency of petition the applicant may kindly be ordered to be released on bail on such terms as may be deemed proper by this Hon'ble Court.

No reply to the application is filed nor intended to be filed. At this stage, taking into consideration the fact that as the main revision petition is pending adjudication, in the interest of justice judgment of conviction and sentence imposed upon the applicant shall remain suspended and especially in the circumstances where the respondent himself has come to the Court and says that he wants to settle the matter with the petitioner.

In these circumstances, it is ordered that operation of conviction and sentence passed by the learned trial court imposed upon the applicant will remain suspended, is ordered to be released on bail in this case, however, subject to his furnishing

personal bond in the sum of Rs 25,000/- with one surety in the like amount to the satisfaction of learned Registrar (Judicial)

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undertaking therein that he will appear before this Court as and when required and will surrender before the Court to undergo sentence, if ultimately the revision petition is dismissed. The application stands disposed of.

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(Chander Bhusan Barowalia)
Judge

30th October, 2021
(Guleria)