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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-22119-2025

Date of decision : 28.04.2025

Daljit Singh**.....Petitioner**

versus

State of Punjab**.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. G.S. Nahel, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Prayer in the present petition has been made for quashing of the condition of depositing of fine in the impugned order dated 04.04.2025 passed by the learned Additional Sessions Judge, Sangrur in the application moved by the petitioner for the suspension of sentence in appeal i.e. CRA-166-2025 preferred against the judgment of conviction and sentence dated 26.03.2025 in case FIR No.109 dated 14.09.2018 under Sections 61/1/14 of Punjab Excise Act, 1914, registered at Police Station Khanauri, District Sangrur by the Court of Judicial Magistrate Ist Class, Sangrur. A prayer has been made for staying the condition of depositing of fine imposed in the impugned order dated 04.04.2025.

2. It has been contended by learned counsel for the petitioner that the petitioner was convicted by learned trial Court vide order dated 26.03.2025, and was also awarded sentence of 02 years rigorous



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imprisonment along with fine to the tune of Rs.2 lacs and in default of payment of fine to further undergo 01 month rigorous imprisonment. He submits that the order dated 26.03.2025 was assailed by the petitioner by way of filing an appeal before the learned Appellate Court. He submits that the learned Appellate Court, at the time of suspending the sentence of the petitioner vide impugned order dated 04.04.2025, imposed the condition of paying the fine awarded by the trial Court which is, at this stage itself is not legally sustainable. He submits that even otherwise the condition imposed by the learned Appellate Court being harsh, is totally against the law.

3. Notice of motion.

4. On the asking of the Court, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab accepts notice on behalf of the respondent-State. He has opposed the contentions of learned counsel for the petitioner.

5. After hearing counsel for the parties, this Court finds that the learned trial Court has convicted the petitioner and awarded him sentence of 02 years rigorous imprisonment along with fine. The petitioner further challenged the said order by way of filing an appeal before the learned Additional Sessions Judge, Sangrur and also moved an application for suspension of his sentence during the pendency of the appeal and the learned Appellate Court while allowing the suspension of sentence, directed him to deposit the fine of Rs.2.00 lacs as imposed by learned trial Court vide order dated 04.04.2025. The petitioner is aggrieved of the condition of deposit of Rs.2.00 lacs as ordered by the learned Additional Sessions Judge vide order dated 04.04.2025. This Court finds the said

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condition imposed by the learned Appellate Court to be harsh as the main appeal is yet to be decided by the learned Appellate Court. So the condition of deposit of Rs.2.00 lacs imposed as fine upon the petitioner by the trial Court as directed by the learned Appellate Court, is *set aside* and the fine imposed by the trial Court upon the petitioner is stayed, during the pendency of the appeal pending before the learned Additional Sessions Judge. Rest of the contents of the order dated 04.04.2025, passed by the learned Additional Sessions Judge, Sangrur shall remain intact.

6. With the above observations, the present petition stands disposed of.

(**RAJESH BHARDWAJ**)
JUDGE

28.04.2025*ps-I*

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No