



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

124

**CRM-M-16201-2025 (O&M)  
Date of decision: 30.04.2025**

AJAY KUMAR ALIAS ASHWANI KUMAR

....Petitioner

**Versus**

STATE OF PUNJAB

...Respondent

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present : Mr. Hitesh Chopra, Advocate  
for the petitioner.

**SANJAY VASHISTH. J.(Oral)**

1. Petitioner-Ajay Kumar has filed the instant petition under Section 482 Cr.P.C read with Section 528 of BNSS, 2023 for granting/extention of time for furnishing probation bonds in terms of the judgment dated 16.09.2024 passed by learned Court of Sessions Judge, Gurdaspur in Criminal Appeal titled as "Rakesh Kumar etc V. State of Punjab.
2. Counsel argues that in the proceedings arising out of FIR No.06 dated 15.01.2018, under Section 325, 323 and 34 of IPC, Police Station Gurdaspur, District Gurdaspur, petitioner was convicted by the learned trial Court vide judgment dated 30.11.2023 and held guilty for the offences under Sections 325, 323 and 34 of IPC and sentenced him for a period of one year.
3. On assailing the said judgment of conviction before the Appellate Court, vide judgment dated 16.09.2024, conviction was maintained, however, order of sentence was modified by ordering to release the petitioner on probation under Section 4 of Probation Offender Act, on furnishing of the probation bonds in a sum of Rs.25,000/- with one surety to the satisfaction of the learned trial



- 2-

Court/Duty Magistrate within a period of 30 days. However, in fact there were total three convicts and remaining two convicts were also ordered to be released on probation on furnishing of requisite bail bonds. Apart furnishing of the bail bonds, the petitioner was required to pay the compensation amount also to the tune of Rs.40,000/- within 30 days. The application filed by the petitioner for extension of time was withdrawn.

4. Since the petitioner was convicted on 04.10.2024 in a separate trial conducted under FIR No.69 dated 30.05.2020, under Section 22 of NDPS Act, registered at Police Station Sadar Gurdaspur, before expiry of 30 day's period, the petitioner went inside the jail and on that account the condition imposed by the Court granting probation could not be met with. Neither the requisite bonds were furnished, nor the compensation amount of Rs.40,000/- was deposited.

5. On filing appeal before the High Court, applicant-petitioner was released on bail on 11.02.2025 and thereupon moved an application before the Appellate Court, which granted probation for extension of time period to enable the petitioner to meet out the conditions which were there in the order dated 16.09.2024.

6. Counsel submits that on 10.03.2025, when the petitioner realized that the Court is not ready to accept the request for extension of time, the application moved by him was withdrawn and same is reflected in the order dated 10.03.2025.

For reference the order reads as under:-

*“Present: Shri Baljit Singh Boparai, Advocate for applicant.*

*Original file has been received.*

*Learned counsel for applicant has suffered a statement withdrawing the instant application. Accordingly, the instant application is*



- 3-

*dismissed as withdrawn. Original file be returned back immediately and instant file be consigned to the record room.*

*Pronounced*

*Date of order: 10.03.2025.*

*(Rajinder Aggarwal)  
Sessions Judge,  
Gurdaspur”*

7. This is how the petitioner has filed the instant petition before this Court and on 25.03.2025 same was adjourned for today, for its further consideration.

8. Counsel submits that during this period, petitioner moved another application before the Appellant Court for grant of probation, however, the same was also dismissed, vide order dated 05.04.2025 by recording the wrong facts which in fact are not available on any record that there is any appeal pending against the order dated 16.09.2024, which is fixed for 30.04.2025. Counsel further submits that the Court below misled itself without therebeing any material before it while observing so.

9. Counsel further submits that he is ready to withdraw the present petition and would be satisfied if a necessary direction is issued to the Appellant Court (Court which granted probation to the petitioner) to consider the application for extension of time afresh but taking into consideration all the aspects which have been narrated before this Court and noticed hereabove in the present order and thereupon a fresh order be passed in regard to the extension of time for meeting out the conditions which were there in the probation order.

10. The Court has noticed the contention and thereupon it appears that either the Court below was not apprized fully about the factual position or the



Court misdirected itself by assuming that after the decision of the case it is not empowered to extend the time period, despite the factual position explained by the petitioner.

11. It is also observed that fresh consideration of application for extension of time, which had already been specified in the main judgment/order, would never mean that the basic judgment of finding has been reversed/changed, which was there at the time of final adjudication at first instance. In fact the time period had already been specified and extension of time period is also prayed to meet out the object which was there in the direction earlier passed by the Court.

12. Therefore, in case any fresh application for extension of time period to meet out the conditions incorporated in the order dated 16.09.2024 is moved by the petitioner, within two weeks from today, same would be decided in accordance with law by taking into consideration all the relevant facts as narrated by the counsel before this Court. Any such application would be decided within two weeks thereafter.

13. It is also clarified that a fresh decision would be taken without getting influenced with its earlier order.

**30.04.2025**  
**amandeep**

**(SANJAY VASHISTH)**  
**JUDGE**

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No