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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 650 of 2022

Ajay Kumar Chauhan S/o Rajaram Chauhan, Aged About 22 Years R/o
Ghoghra Kotba, Police Station Bagbahar, District Jashpur Chhattisgarh

... Appellant

versus

State of Chhattisgarh Through The Station House Officer, Police Station
Bagbahar, District Jashpur Chhattisgarh

... Respondent

Order Sheet

25/02/2026	Mr. Pankaj Bhaskar, Advocate along with Mr. Rishabh Joshi, Advocate for the Appellant. Dr. S.K. Dewangan, PL for the State. Heard on I.A.No.3/2026, application under Section 389(1) of the Code of Criminal Procedure for suspension of jail sentence and grant of bail. The appellant stands convicted under Sections 323 & 376 of the IPC and sentenced to undergo R.I. for 06 months and R.I. for 10 years and to pay fine of Rs.100/- & Rs.1000/-,

ASHUTOSH MISHRA Digitally signed by ASHUTOSH MISHRA

respectively, with usual default stipulation vide judgment dated 07/03/2022 passed by the Additional Sessions Judge, Patthalgaon, C.G. in Sessions Case No.10/2021.

Learned counsel for the appellant would submit that the maximum sentence awarded to the appellant is R.I. for 10 years and out of that the appellant has served more than 4 years and 8 months as the appellant is in jail since 20/03/2021. In support of his submission learned counsel would place reliance upon the law laid down by the Hon'ble Supreme Court in the matter of *Narcotic Control Bureau Vs. Lakhwinder Singh {Criminal Appeal No(S). 475 of 2025 Arising out of S.L.P. (Criminal) No(S). 5215/2021}* and would submit that, considering the detention period of the appellant the substantive jail sentence imposed upon him may be suspended and he may be released on bail.

Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail.

Considering the entire facts & circumstances of the case and the fact that the appellant is in jail since 20/03/2021 and has suffered more than 4 Years and 08 Months of jail

ashu	sentence and the hearing of the appeal will take some more time, therefore, I am inclined to suspend the sentence and release the appellant on bail. Accordingly, I.A.No.3/2026, application under Section 389(1) of the Code of Criminal Procedure for suspension of jail sentence and grant of bail is allowed. Execution of further substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum Rs.10,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on 27/04/2026. He shall thereafter appear before the Trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to them by the said Court, till the disposal of this appeal. SD/- (Arvind Kumar Verma) Judge
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