

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.A. No. 1474 of 2022

Lucky Singh Rajput @ Lucky Sardar S/o Pritam Singh Aged About 26 Years R/o Subhash Nagar, Kukripara, Near Sinha Cycle Stores, Police Station Purani Basti Raipur, District Raipu(C.G.)

**---- Appellant
(In Jail)**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station - Purani Basti, District - Raipur (C.G.)

---Respondent

03.11.2022	Shri Ram Krishna Dixit, counsel for the appellant. Shri Himanshu Sharma, P.L. for the State/respondent. Heard on I.A.NO.01/2022, an application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 18/08/2022 passed by the XI Additional District & Sessions Judge, District- Raipur (C.G.) in Session Trial No. 217/2019, the appellant stands convicted, as under:- <table><tr><th>Offences</th><th></th><th>Sentence</th></tr><tr><td>U/s 307 of the I.P.C.</td><td>:</td><td>R.I. for 07 years and fine of Rs. 2,000/- in default of payment of fine 06 months additional R.I.</td></tr><tr><td>U/s 506 Part-II of the I.P.C.</td><td>:</td><td>R.I. for 05 years and fine of Rs. 1,000/- in default of payment of fine 06 months additional R.I.</td></tr><tr><td>U/s 25(1-B)(B) of Arms Act</td><td>:</td><td>R.I. for 03 years and fine of Rs. 500/- in default of payment of fine 03 months additional R.I. (Fine amount has already been deposited) (All the sentence are run concurrently)</td></tr></table> Learned counsel for the appellant would submit that the P.W. No. 6 (Shubham Yadav) in his cross-examination nowhere state that he sustained injury by the use of knife and Doctor P.W. 13 (Dr. Sunny Pasreja) who has treated the	Offences		Sentence	U/s 307 of the I.P.C.	:	R.I. for 07 years and fine of Rs. 2,000/- in default of payment of fine 06 months additional R.I.	U/s 506 Part-II of the I.P.C.	:	R.I. for 05 years and fine of Rs. 1,000/- in default of payment of fine 06 months additional R.I.	U/s 25(1-B)(B) of Arms Act	:	R.I. for 03 years and fine of Rs. 500/- in default of payment of fine 03 months additional R.I. (Fine amount has already been deposited) (All the sentence are run concurrently)
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victim stated that the injuries sustained by the victim is superficial but not grievous in nature which cause death, but still he has been convicted Under Section 307 of the I.P.C. therefore, the conviction is bad in law, hence, the application for suspension of sentence and grant of bail is allowed and appellant may be released on bail.

On the other hand learned State counsel opposes the bail application and would submit that the learned trial court has been taken entire evidence and material available on record into consideration and thereafter, conviction has been passed which does not warrant any interference by this court, therefore, the application for suspension of sentence and grant of bail may be rejected.

I have heard counsel for the parties and perused the records of the court below.

Considering the evidence of P.W. 6 (Shubham Yadav) and doctor P.W. 13 (Dr. Sunny Pasreja), it is quite clear that injuries sustained by the victim is not grievous in nature which may cause death to the victim and also considering the fact that the appellant is in jail for last 07 months. I am inclined to suspend the sentence of the appellant and release him on bail.

I.A. No.01/2022 is allowed.

Accordingly, application for suspension of sentence and grant of bail is **allowed** and it is directed that execution of further substantive jail sentence of the appellant shall remain suspended and he shall be released on bail on his executing a personal bond in sum of **Rs. 25,000/-** with one surety in the like sum to the satisfaction of trial Court for his appearance before the Registry of this Court on **19th December, 2022**. 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 him by the said court till the disposal of this appeal.

Sd/-
(Narendra Kumar Vyas)
Judge