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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 183/2026**

MOHD TAHIR

.....Petitioner

Through: Mr. Satya Anantbodhi, Ms. Lara Siddiqui, Mr. Marshall Siddiqui, Mr. Sarfaraz Siddiqui and Ms. Farah Shah, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Satish Kumar, APP with Mr. Aditya Vikram Singh, Ms. Upasan Bakshi and Mr. Gourav Singh, Advs.
Insp. Harpal Madan, PS: INA Metro

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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05.05.2026

CRL.M.(BAIL) 631/2026 (*Suspension of Sentence*)

1. By virtue of the present application under *Section 430* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the petitioner seeks suspension of sentence awarded to him *vide* order on sentence dated 06.10.2025 passed by learned JMFC Mahila Court-02, Saket Courts, New Delhi (***learned Trial Court***) in CR Case No.6368/2021 arising out of FIR No.02/2021 registered at PS: INA Metro, Delhi under *Sections 354/354A* of the Indian Penal Code, 1860, (***IPC***) whereby he has been sentenced to undergo rigorous imprisonment for a period of *one year* alongwith fine of



Rs.5,000/-, in default whereof further sentenced to undergo simple imprisonment for a period of *fifteen days*, for offence under *Section 354* IPC; and rigorous imprisonment for a period of *one year* alongwith fine of Rs.5,000/-, in default whereof further sentenced to undergo simple imprisonment for a period of *fifteen days*, for offence under *Section 354A(1)* IPC, which was upheld by the learned Additional Sessions Judge vide order dated 09.03.2026. All sentences were directed to run concurrently.

2. Learned counsel for the petitioner submits that the petitioner has been awarded a maximum sentence of *one year* of which he has already undergone *one month twenty six days*; that he has a strong case on merits, with a reasonable likelihood of success in the present revision petition; and lastly that the present revision petition, having been recently filed, is not likely to be taken up for final hearing in the immediate future and continued custody of the petitioner would defeat the very purpose of the present revision petition.

3. *Per contra*, learned APP for the State fairly submits that the application for suspension of sentence may be considered in accordance with law.

4. This Court has heard learned counsel for the parties as also perused the materials on record.

5. Considering the totality of the facts and circumstances involved herein, *especially* the fact that the petitioner herein has been sentenced with a fixed term of sentence of *one year* of which he has already undergone *one month twenty six days* and that the revision filed by the petitioner is pending before this Court, which will take time to be heard



and adjudicated upon, and further bearing in mind the principles laid down by the Hon'ble Supreme Court in ***Bhagwan Rama Shinde Gosai & Ors. v. State of Gujarat:(1999) 4 SCC 421*** and ***Aasif @ Pasha v. The State of U.P. & Ors.:2025 SCC OnLine SC 1644***, the sentence awarded to the petitioner *vide* order on sentence dated 06.10.2025 passed by learned Trial Court in CR Case No.6368/2021 arising out of FIR No.02/2021 registered at PS: INA Metro, Delhi under *Sections 354/354A* IPC and as upheld by the learned Additional Sessions Judge *vide* order dated 09.03.2026 shall remain suspended pending disposal of the captioned petition, however, subject to the following conditions:-

- a. The petitioner shall not leave the country without prior permission of this Court.
 - b. The petitioner shall ordinarily reside at the address provided in the Trial Court record and in case of any changes in the residential/ permanent address/ contact details/ phone number, the petitioner shall inform this Court;
 - c. The petitioner shall appear before this Court if, as and when directed.
6. Accordingly, the petitioner shall be released from judicial custody, subject to him furnishing a personal bond in the sum of Rs.50,000/- [*Rupees Fifty Thousand Only*] and one surety of the like amount to the satisfaction of the concerned Jail Superintendent.
7. As such, the present application is allowed and disposed of in the aforesaid terms.
8. A copy of this order be forwarded to the concerned Jail Superintendent for information and compliance.



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9. Re-notify on 19.08.2026.

SAURABH BANERJEE, J.

MAY 05, 2026/Ab