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

+ CRL.A. 627/2025

NIKHIL DABAS

.....Appellant

Through: Mr. Sermon Rawat, Advocate with
Mr. Vikas Rathee and Mr. Vansh
Kapoor, Advocates

versus

STATE(GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Rakesh Rana, P.S. Kanjhawala.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

ORDER

19.05.2026

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CRL.M.(BAIL) 1043/2026

1. This is an application under Section 430 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (the BNSS), on behalf of the
appellant seeking interim suspension of sentence for a period of 06
weeks to take care of his injured grandmother.

2. In the application, it is alleged that as per order dated
21.04.2026, this Court had granted interim suspension of sentence
starting from 22.04.2026 till 25.04.2026. However, the appellant



was not released by the Jail authorities. Paragraph nos. 5 to 9 of the said application read thus –

“5. That despite the categorical directions of this Hon’ble Court to release the Appellant by 10:30 AM on 22.04.2026, the Appellant could not be released from jail. That the jail authorities refused to execute the release order on the ground that they required confirmation regarding the current status of bail granted to the Appellant in another criminal case pending in Mandi, Himachal Pradesh.

6. That although the jail authorities were provided with a certified copy of the bail order from the District Court, Mandi, Himachal Pradesh, they insisted on receiving communication through official channels—specifically via registered post or official email from the Mandi Court—to verify the current status of the bail.

7. That due to the time consumed in this administrative verification process and the requirement for communication through official channels, the period of interim suspension granted by this Hon’ble Court (i.e., until 25.04.2026) expired while the Appellant was still in custody. Consequently, the beneficial order dated 21.04.2026 has become infructuous without the Appellant having availed even a single day of the granted liberty.

8. That the ground for seeking interim relief remains urgent and unchanged. The Appellant’s grandmother, Parmeshwari (85



years), remains in a state of complete physical dependency and requires constant assistance for daily living and medical care. As the Appellant's parents are deceased, there is no other male or able family member available to provide the necessary nursing care.

9. That the Appellant has clean antecedents and never misused the liberty of bail granted during the trial."

(Emphasis Supplied)

3. The learned counsel for the appellant submits that it was because the jail authorities did not release him, he was unable to get the benefit of the order passed by this Court. Hence, the appellant may be granted interim suspension of sentence for a period of 06 weeks.

4. The application is opposed by the learned Additional Public Prosecutor who submits that there was clear mis-representation of facts in the application filed for interim suspension in which it is averred that that the appellant has clean antecedents. It is pointed out that in the present application the appellant himself admits that he has another case pending against him. This was never revealed in the



earlier application and therefore, the appellant is not entitled to the discretionary relief of interim suspension of sentence that has been sought for.

5. Heard both sides.

6. Paragraph no. 7 of CRL.M.(BAIL) 661/2026 on the basis of which interim suspension of sentence was granted, reads thus –

“7. That the Appellant has clean antecedents and has never been involved in any other criminal activity except for the present case. During the trial, he was granted interim and regular bail and never misused the liberty granted by the Court.”

(Emphasis Supplied)

7. The learned counsel for the appellant repeatedly points out that there has been no suppression of material facts as in the impugned judgment as well as in the appeal memorandum the appellant has clearly referred to the other cases pending against him. Therefore, the learned counsel submits that there cannot be any mis-representation of facts by the appellant or his counsel.



8. When an application for interim suspension of sentence is taken up for consideration, normally this Court does not read the entire impugned judgment or the appeal memorandum. It is mainly based on the averments that is made in the application for interim suspension coupled with the facts and circumstances of the case that is specifically taken into consideration for allowing or disallowing the prayer. In the application, it is specifically averred that the appellant does not have any criminal antecedent which is apparently and obviously an incorrect statement. This is a clear mis-representation of facts.

9. Hence, the application is dismissed.

10. The Jail Superintendent concerned is directed to submit an explanation as to why no details regarding the criminal cases pending against the appellant has not been stated in the nominal roll dated 28.07.2025.

11. The respondent/State is also directed to file status



report regarding the criminal antecedents of the appellant/accused.

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12. List on 25.05.2026.

CHANDRASEKHARAN SUDHA, J

MAY 19, 2026

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