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

+ CRL.REV.P. 735/2019

SUNIL KUMAR & ORS. Petitioners

Through Mr. Prem Chand Ganganiya,
Advocate.

versus

STATE Respondent

Through Ms. Meenakshi Dahiya, APP for the
State.

ASI Mahendera Singh, PS Nand

Nagri.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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29.07.2019

Crl.M.A.32259/2019 (for early hearing)

1. For the reasons stated in the application, application is allowed.
2. Application for suspension of sentence is taken up for hearing today.

Crl.M.(Bail) 1223/2019 (filed on behalf of petitioner No.1 for suspension of sentence), Crl.M.(Bail) 1224/2019 (filed on behalf of petitioner No.2 for suspension of sentence), Crl.M.(Bail) 1225/2019 (filed on behalf of petitioner No.3 for suspension of sentence), Crl.M.(Bail) 1226/2019 (filed on behalf of petitioner No.4 for suspension of sentence) & Crl.M.(Bail) 1227/2019 (filed on behalf of petitioner No.5 for suspension of sentence)

1. Petitioners impugn order dated 08.05.2019, whereby, appeal of the petitioners, impugning order on conviction dated 22.05.2018 and order on sentence dated 20.03.2018, has been dismissed.
2. Petitioners have been convicted of the offence under Sections 325/326/323/34 IPC and sentenced to undergo simple imprisonment for a period of 1 year, 1 year and 1 month for the offence under Sections 325,

326, 323 respectively and directed to pay compensation of Rs.60,000/- to the injured Jagdish. Rs.40,000/- to the injured Shakuntala, Rs.40,000/- to the injured Kiran and Rs.20,000/- to the injured Raj Kumar, to be paid equally by all the Petitioners except Pushpa and in default to further undergo 3 months simple imprisonment.

3. Learned counsel for the petitioners submits that the petitioner Nos.1 and 2 are the husband and wife and petitioner No.1 is working as an electrician. He submits that they are the sole bread earners and caretakers of their minor children and since the petitioner Nos.1 and 2 are incarcerated, the minor children have not been attending the school.

4. He submits that the petitioner No.3 is working as a labour and is also the sole bread earner of his family consisting of wife, who is on family way and two minor children aged 8 years and 1½ years.

5. He submits that petitioner No.4 is working as a labour in a private company and is the sole bread earner of his family consisting of wife, who is on family way and a minor son aged 8 years.

6. He submits that the petitioner No.5 is working as a *baildar* and is the sole bread earner of his family consisting of wife, who is on family way and a minor daughter aged 1½ years.

7. It is contended that all the petitioners are the sole bread earners of their family having dependants and on account of their incarceration, their dependants are suffering.

8. It is further contended that all the petitioners have clean antecedents.

9. Learned counsel for the petitioners further submits that the

petitioners had been taken in custody post the order by the Appellate Court i.e., on 08.05.2019 and all have suffered incarceration of nearly 3 months.

10. Learned counsel for the petitioners submits that out of the total compensation of Rs.1,60,000/-, a sum of Rs.80,000/- has already been deposited with the Appellate Court.

11. Without commenting on the merits of the case and keeping in view the totality of facts and circumstances of the case, it is directed that on each of the petitioners furnishing a bail bond in the sum of Rs.5,000/- each with one surety of the like amount to the satisfaction of the Trial Court, the remaining sentence of the petitioners shall remain suspended till the next date of hearing.

12. List on 12.09.2019.

13. Order *dasti* under signatures of the Court Master.

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List on 12.09.2019.

JULY 29, 2019

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SANJEEV SACHDEVA, J