



\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 692/2023**
ROOP CHANDAppellant

Through: Mr. Adit S Pujari with Mr. Zeeshan
Thomas, Advocates.

versus

STATE OF DELHI NCTRespondent

Through: Mr. Ritesh Kumar Bahri, APP.
Insp. Vivek Singh.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **09.09.2025**

CRL.M.(BAIL) 264/2025

1. The present application has been filed by the appellant under Section 430 read with Section 528 of BNSS, 2023 seeking suspension of sentence and for release on regular bail till the final disposal of the instant Criminal Appeal.
2. The appellant has been held guilty for commission of offence under Section 302 IPC and has been imprisoned for life.
3. Suspension of sentence has been sought for multiple reasons.
4. *Firstly*, the appellant has already undergone incarceration for the period of around 08 years, including remission period of around three months.
5. *Secondly*, the appellant, who is in his seventies, is suffering from serious problem of Hepatitis C and in this regard, reference has been made to report received from the Jail Doctor which also indicates that the appellant is a *known case of Hepatitis C virus* and is under medication.
6. *Thirdly*, the appellant has clean antecedents and there is no other case pending against him and his conduct in jail is also satisfactory.
7. *Lastly and more importantly*, according to appellant, even if the

CRL.A. 692/2023

1



prosecution case is believed *in toto*, at best, it was a case falling under Section 304 IPC. It is argued that prosecution has miserably failed to attribute any motive or intention reflecting it to be a case of murder. It is submitted that it was rather a case falling under “*grave and sudden provocation*” as it was sudden fight, without any pre-meditation and in the heat of alleged passion upon a sudden quarrel, a wooden leg of a bed (paya) was, allegedly, used by the appellant, while he lost his self-control and hit his son on his head which, eventually, proved to be fatal.

8. Learned APP for the State has refuted the abovesaid contentions and submits that conviction is well merited and it was never a case of offence, being committed under any “*sudden and grave provocation*”.

9. The present appeal is of the year 2023 and there are old appeals pending before us and the listing of the present appeal is not likely in the near future.

10. Keeping in mind the age of the appellant, the ailment he is suffering from, the fact that he has already undergone incarceration for around 08 years and keeping in mind the facts and circumstances in which the offence seems to have taken place, the sentence is hereby suspended on appellant’s furnishing a personal bond in a sum of Rs. 25,000/- with one surety in like amount, subject to the satisfaction of the learned Trial Court and further subject to the following conditions:-

- i. Appellant shall not leave the country without prior permission of the learned Trial Court and shall surrender his passport, if any, before the learned Trial Court. In case, he does not possess a passport, he shall so state before the learned Trial Court by way of an affidavit.
- ii. Appellant shall provide his residential address, contact details and



his mobile number to the learned Trial Court. In case of any change in his residential address and other contact details, the appellant shall immediately intimate the learned Trial Court by way of an affidavit as well as to the concerned SHO.

11. The present application stands disposed of in aforesaid terms.
12. A copy of this Order be immediately sent to the Jail Superintendent for information and necessary compliance.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

SEPTEMBER 9, 2025/sw