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

CNR No. DLHC011079602025

+ CRL.A. 15/2026
SACHIDANAND

Through: Mr. Kedar Yadav, Adv.Appellant

versus

STATE OF DELHI

Through: Mr. Shoaib Haider, APP.
SI Yashveer Sharma, P.S.-
Govindpuri.Respondent

17

CNR No. DLHC010087282026

+ CRL.A. 239/2026
RAKESH DAS

Through: Mr. Rizwan Ali and Mr. Vikas
Dudeja, Adv.Appellant

versus

THE STATE GOVT OF NCT OF DELHI

Through: Mr. Shoaib Haider, APP.
SI Yashveer Sharma, P.S.-
Govindpuri.Respondent

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **18.08.2026**



CRL.M.(BAIL) 18/2026 in CRL.A. 15/2026
CRL.M.(BAIL) 496/2026 in CRL.A. 239/2026

1. The appellants by way of the present applications seek for suspension of the sentence during the pendency of the appeal. Both the appellants have been convicted under Section 394 of the Indian Penal Code, 1860 ('IPC') by the judgement of conviction dated 20.09.2025 and have been sentenced *vide* order of sentence dated 17.10.2025 for 7 years of rigorous imprisonment along with fine of Rs. 20,000/- and in default of the same, to undergo simple imprisonment for a period of 90 days.
2. Learned counsel appearing for the appellants submit that the appellants are innocent and have been falsely implicated. There is no evidence against them. The appellants were on bail during the pendency of the trial and they have never misused the liberty.
3. It is further submitted that the offence under Section 394 is punishable up to 10 years and the appellants have been sentenced for a period 7 years. They have clean antecedents. It is submitted that there is no possibility of the appellants absconding. Even otherwise, it is their case, that the appeals will take sufficient time for hearing and by the time the appeals will be taken up for hearing, the appellants will have suffered the entire sentence.
4. The aforesaid submissions are opposed by the learned counsel for the respondent – State who submits that the appellants have already been convicted and there is no presumption of innocence. It is also informed that the injured is not traceable.
5. I have considered the submissions made by learned counsel appearing for the parties and have perused the record.
6. The record suggests that the appellants were put on trial for having



committed offences punishable under sections 394/397/411/34 of the IPC. The prosecution story put before the Court was that the appellants along with two other Child in Conflict with Law (“CCLs”) committed robbery upon a pedestrian, who was later found to be one Mr. Om Prakash Dubey, and robbed him of his mobile phone and a certain cash amount, and in the process of doing so; the CCL used a knife to stab the injured.

7. The primary allegations of stabbing the injured are against one of the CCLs. It is also seen that the appellants were on bail during the pendency of the trial and there is no allegation of any misuse. The appeals will take time in their conclusion. The possibility of appellant’s innocence cannot be ruled out. The overall facts and circumstances would also indicate that the appellants’ complicity has been proved on the basis of the injured witness i.e., Om Prakash Dubey, PW-3.

8. The Court finds that the instant appeals are arguable, and, accordingly, these are admitted for hearing.

9. In ***Aasif alias Pasha v. State of U.P. and Ors.***,¹ the Supreme Court noted the distinction between a fixed time sentence and those which are for life. For the former category of offences, the Court noted that a plea seeking suspension of sentence ought to be considered liberally unless there are exceptional circumstances. Further, it was held that when the Appellate Court finds that due to practical reasons such appeals cannot be disposed of expeditiously, the Appellate Court must show special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. The precise formulation of the Supreme Court in the said case was “*only if there are any compelling circumstances on record to indicate that*



the release of the appellant would not be in public interest” that the suspension ought to be rejected.

10. The instant is the case of the fixed sentence, therefore, bearing in mind the aforesaid decision of the Supreme Court, the instant applications are allowed.

11. The jail sentence of the appellants shall remain suspended during the pendency of the appeals subject to such conditions as may be imposed by the Trial Court.

12. The applications stand disposed of.

13. Let a copy of this order be sent to the concerned Jail Superintendent.

CRL.A. 15/2026 and CRL.A. 239/2026

14. List on 08.04.2027.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 18, 2026

Aks/Rao

¹ 2025 SCC OnLine SC 1644.