



\$~4

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

+ **CRL.A. 810/2018**

SHAMIM KHAN @ SALMAN KHAN Appellant
Through: Mr. Sunil Kumar, Advocate
(DHCLSC)

versus

STATE Respondent
Through: Mr. K.S. Ahuja, APP for State

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE VINOD GOEL

ORDER
24.08.2018

%

Crl.M(Bail) No. 1237/2018

1. The learned APP points out that the present Appellant's case is slightly different from that of the other co-accused since he, according to the prosecution, actually dealt the knife blows and caused the fatal injuries. Counsel for the Appellant, however, points out that the conviction of the present Appellant is under Section 34 IPC and therefore his case may be not very different from that of the co-accused who have already been granted suspension of sentence during the pendency of their appeals.

2. The Court has heard learned counsel for both parties. It is seen that co-accused Javed, who has preferred Crl.A.629/2018, has already been granted suspension of sentence by an order of this Court dated 27th July 2018.

3. The present Appellant has also served more than six years in



incarceration. There is merit in the contention that since his conviction is also with the aid of Section 34 IPC, his case cannot at this stage be viewed differently from that of the co-accused. This appellant too has no previous criminal record and his conduct in jail is also satisfactory. It is not possible that the present appeal may be heard at an early date.

4. In the circumstances, during the pendency of this appeal, the sentence of the Appellant is suspended subject to his furnishing a bail bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the trial Court.

5. The application is disposed of.

6. A copy of this order be given *dasti* to the parties under the signatures of Court Master.

S. MURALIDHAR, J.

VINOD GOEL, J.

AUGUST 24, 2018

mw