

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 307/2026

In

S.B. Criminal Appeal (SB) No.331/2026

CNR: RJHC010151712026

URN: SOSA / 588U / 2026

1. Rajiram S/o Sh. Budhram, Aged About 27 Years, 1 F Telewala, Police Station Sadar Sriganganagar, District Sriganganagar. (Lodged In Central Jail Sriganganagar)
2. Ajay Pal @ Ajay Kumar S/o Sh. Puranram, Aged About 31 Years, 1 F Telewala, Police Station Sadar Sriganganagar, District Sriganganagar. (Lodged In Central Jail Sriganganagar)

-----Petitioners

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. S.K. Verma Mr. Mrinal Khatri Ms. Sarika Bishnoi
For Respondent(s)	:	Mr. Narendra Singh Chandawat, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

09/07/2026

Heard learned counsel for the applicants-appellants and the learned Public Prosecutor on the application for suspension of sentence.

Learned counsel for the applicants-appellants submitted that they have been falsely implicated in the present case. Inviting the attention of the Court to the statements of the injured witnesses,

other material prosecution witnesses and the injury reports, learned counsel submitted that the applicants-appellants and the complainant party were on inimical terms owing to a long-standing land dispute. It was contended that, on the date of the alleged incident, the occurrence took place in the heat of the moment on account of sudden provocation by the complainant party and that the injuries, if any, were allegedly inflicted by kicks and fists.

Learned counsel further submitted that there is nothing on record to indicate that the injuries were inflicted in a premeditated manner or by use of any blunt or sharp-edged weapon. It was also submitted that the applicants-appellants remained on bail throughout the trial and never misused the liberty so granted. They have no criminal antecedents and there is no likelihood of their absconding or fleeing from justice in the event the sentence awarded by the learned trial Court is suspended. Learned counsel further contended that, apart from the aforesaid grounds, several substantial and arguable issues arise in the appeal which require detailed consideration at the stage of final hearing. However, having regard to the heavy pendency of criminal appeals before this Court, the present appeal is not likely to be heard in the near future.

Per Contra, the learned Public Prosecutor opposed the application for suspension of sentence. However, he was not in a position to point out any apprehension that the applicants-appellants would abscond or flee from justice in the event the sentence awarded by the learned trial Court is suspended.

Upon consideration of the submissions advanced at the Bar and having regard to the facts and circumstances of the case as borne out from the record, particularly the fact that the applicants-appellants remained on bail throughout the trial without misusing the liberty granted to them, that they have no criminal antecedents, that there is no apprehension of their absconding or fleeing from justice, and that the hearing of the appeal is likely to take considerable time owing to the heavy pendency of criminal appeals before this Court, this Court is of the opinion that it is a fit case for suspending the sentence awarded to the applicants-appellants during the pendency of the present appeal.

Accordingly, the application for suspension of sentence filed under Section 430 BNSS is allowed and it is ordered that the sentence passed by the learned Additional Sessions Judge, No.02, Sriganganagar vide judgment dated 28.01.2026 passed in Sessions Case No.02/2025 (CIS No.02/2025) to the appellants – applicants, namely, **(1) Rajiram S/o Sh. Budhram and (2) Ajay Pal @ Ajay Kumar S/o Sh. Puranram**, shall remain suspended till final disposal of the aforesaid appeal and they shall be released on bail, provided each of them execute a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for their appearance in this court on **11.08.2026** and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he/she/they will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant(s) changes the place of residence, he/she/they will give in writing

his/her/their changed address to the trial Court as well as to the counsel in the High Court.

3. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.

The learned trial Court shall keep the record of attendance of the accused- applicant(s) in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant(s) was/were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the trial court. In case the said accused- applicant(s) does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(KULDEEP MATHUR),J