

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

S.B. Criminal Misc. Suspension of Sentence Application (Appeal)  
No. 418/2026

In

S.B. Criminal Appeal No.458/2026

CNR: RJHC010218392026

URN: SOSA / 826U / 2026

Balkar Singh S/o Binder Singh, Aged About 25 Years, R/o Ward  
No 20 Tibbi Police Station Tibbi Dist. Hanumangarh. (Presently  
Lodged At District Jail Hanumangarh)

-----Petitioner

Versus

State Of Rajasthan, Through PP

-----Respondent

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|-------------------|---|-----------------------|
| For Petitioner(s) | : | Mr. Nishant Motsara   |
| For Respondent(s) | : | Mr. Ramesh Dewasi, PP |

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**HON'BLE MR. JUSTICE KULDEEP MATHUR**

**Order**

**17/07/2026**

Learned Public Prosecutor submitted that notices upon  
respondent No.2 have already been served.

Heard learned counsel for the appellant-applicant and the  
learned Public Prosecutor on the application seeking suspension of  
sentence.

Learned counsel for the appellant-applicant submitted that  
the appellant-applicant, who was aged about 21 years at the time  
of the alleged incident and was a neighbour of the prosecutrix, has  
been falsely implicated in the present case. Drawing the attention

of the Court towards the impugned judgment passed by the learned trial Court, the deposition of the prosecutrix (PW-1) recorded before the competent criminal Court, as well as the other material available on record, learned counsel submitted that according to the prosecution, on 30.04.2021, while the prosecutrix was returning home, the appellant-applicant allured her on the pretext of giving her gifts and chocolates, took her to his house and thereafter subjected her to forcible sexual assault.

Learned counsel further submitted that, as per the prosecution case, during the intervening night of 27/28.07.2021, while the prosecutrix was sleeping in her house along with her parents, the appellant-applicant allegedly entered the house, gagged her by placing a handkerchief over her mouth, took her on his motorcycle to a room belonging to his relatives and again subjected her to forcible sexual assault. It was contended that the entire prosecution story is highly improbable and inherently unbelievable. It is difficult to accept that the prosecutrix could have been abducted from her house while she was sleeping with her parents without any resistance or alarm.

Learned counsel further submitted that the prosecutrix, in her statement recorded under Section 164 Cr.P.C., categorically stated that she had developed affection for the appellant-applicant and had accompanied him out of her own free will and volition. It was submitted that it appears that subsequently, under the pressure of her family members or for reasons best known to her, the prosecutrix narrated an altogether different version while deposing before the learned trial Court. Learned counsel also submitted that the allegations of sexual assault levelled against

the appellant-applicant are not corroborated by any medical or scientific evidence available on record.

Learned counsel lastly submitted that there is no likelihood of the appellant-applicant absconding or fleeing from justice if the substantive sentence awarded by the learned trial Court is suspended. It was also contended that the present appeal raises several substantial, arguable and debatable issues requiring detailed consideration at the time of final hearing. However, having regard to the heavy pendency of criminal appeals before this Court, the appeal is not likely to be heard in the near future and, therefore, the substantive sentence awarded to the appellant-applicant deserves to be suspended during the pendency of the appeal.

*Per Contra*, learned Public Prosecutor opposed the submissions advanced on behalf of the appellant-applicant and contended that the application seeking suspension of sentence deserves to be rejected. However, upon being queried, he was not in a position to point out any material on record indicating that the appellant-applicant is likely to abscond or flee from justice if released on bail during the pendency of the appeal.

Having given thoughtful consideration to the submissions advanced at the Bar and upon perusal of the material available on record, this Court is of the opinion that the present case is fit for suspension of sentence. While arriving at the said conclusion, this Court has taken into consideration the fact that there is no material indicating any likelihood of the appellant-applicant absconding or fleeing from justice if released on bail; and that the

appeal is not likely to be heard in the near future owing to the heavy pendency of criminal appeals before this Court.

Accordingly, the application for suspension of sentence filed under Section 430 BNSS (389 Cr.P.C.) is allowed and it is ordered that the sentence passed by the learned Special Judge, POCSO Act Cases, No.01, Hanumangarh, vide judgment dated 18.02.2026 in Sessions Case No.97/2021 (CIS No.100/2021) against the appellant-applicant **Balkar Singh S/o Binder Singh**, shall remain suspended till the final disposal of the aforesaid appeal and he shall be released on bail, provided he executes 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 his appearance in this court on **18.08.2026** 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