

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

**(1) S.B. Criminal Misc. Suspension Of Sentence
Application (Appeal) No. 633/2026**

Gaurishankar S/o Choturam, Aged About 23 Years, R/o
Bhograna, P.S. Nohar, District Hanumangarh, Rajasthan.

(At Present Lodged Jail Rajgarh)

----Applicant/Appellant

Versus

State Of Rajasthan, Through PP

----Respondent

Connected With

**(2) S.B. Criminal Misc. Suspension Of Sentence
Application (Appeal) No. 704/2026**

Gagandeep @ Goldy S/o Omprakash, Aged About 23 Years,
Bhograna. At Present Resident Of Ward No. 19 Nohar, Police
Station Nohar, District Hanumangarh, Rajasthan.

(At Present Lodged At District Jail Churu)

----Applicant/Appellant

Versus

State Of Rajasthan, PP

----Respondent

For Petitioner(s)	:	Mr. Vinod Kumar Sihag Mr. Jaipal Singh
For Respondent(s)	:	Mr. Narendra Chandawat, Public Prosecutor

HON'BLE MS. JUSTICE REKHA BORANA

Order

01/05/2026

1. By way of the instant applications under Section 430 of BNSS, the appellants-applicants seek suspension of sentence awarded to them vide judgment dated 30.03.2026 passed by Additional Sessions Judge, Taranagar, District Churu in Sessions

Case No. 09/2018 whereby they have been convicted and sentenced as under:

Name of the Applicants	Offence(s) for which convicted	Substantive sentence(s)	Fine and default sentence(s)
1. Gaurishankar 2. Gagandeep @ Goldy	Section 147, IPC	1 year's RI	Fine of Rs.1,000/-; in default thereof to further undergo one month SI
	Section 365/149 IPC	5 years' RI	Fine of Rs.5,000/-; in default thereof to further undergo three months' SI
	Section 395/149 IPC	5 years' RI	Fine of Rs.5,000/-; in default thereof to further undergo three months' SI
	Section 323/34 IPC	6 months' RI	Fine of Rs.1,000/-; in default thereof to further undergo one month SI

2. Counsel for the appellants submits that there was no eyewitness to the incident and the appellants have been convicted only on basis of the identification parade whereas Nathuram Bharati (P.W.1) specifically admitted that he was called to the police station where the arrested accused were shown to him.
3. Counsel for the appellants submits that the learned Trial Court failed to properly appreciate the legal and factual aspects, resulting in an erroneous finding of guilt. Being the first appellate court, this Court may reappraise the evidence. It is further submitted that the appellants remained on bail during trial without misuse of liberty, and as the appeals will take time for disposal, their sentence deserves to be suspended.
4. Per contra, learned Public Prosecutor vehemently opposed the applications for suspension of sentence.

5. Heard learned counsel for the parties and perused the material available on record.

6. Having considered the overall facts and circumstances of the case and the substantial grounds as raised, this Court is of the opinion that there are strong grounds for challenging the judgment of conviction and as hearing of the appeal is likely to take time, this Court is inclined to suspend the sentences awarded to the applicants-appellants.

7. Accordingly, the applications for suspension of sentence filed under Section 430 BNSS (corresponding to Section 389, Cr.P.C.) are **allowed** and it is ordered that the sentence passed by the learned Additional Sessions Judge, Taranagar, District Churu vide judgment dated 30.03.2026 in Sessions Case No.09/2018 against the appellant-applicants named **(1) Gaurishankar S/o Choturam; and (2) Gagandeep @ Goldy S/o Om Prakash** shall remain suspended till final disposal of the aforesaid appeals and they shall be released on bail provided they 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 and whenever ordered to do so till the disposal of the appeals on the conditions indicated below:-

1. That they will appear before the Trial Court in the month of January of every year till the appeals are decided.

2. That if the applicants change the place of residence, they will give in writing 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.

8. The learned Trial Court shall keep the record of attendance of the accused-applicants in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicants 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-applicants do not appear before the Trial Court, the learned Trial Judge shall report the matter to the High Court for cancellation of bail.

(REKHA BORANA),J