

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Suspension Of Sentence Application No.
574/2026

In

D.B. Criminal Appeal No.133/2026

Rohtan Singh S/o Kishan Singh, R/o Manjhi, Police Station
Nadbai. (At Present Confined In District Jail Shri Ganganagar)

-----Petitioner

Versus

State Of Rajasthan, Throgh P.p.

-----Respondent

For Petitioner(s)	:	Mr. Kamlendra Singh on behalf of Mr. Kamlendra Sihag
For Respondent(s)	:	Mr. Naresh Gupta, Dy.G.A. with Mr. Vinod Kumar Sharma Ms. Neha Goyal

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

04/05/2026

1. This suspension of sentence application has been filed by the accused-applicant along with the appeal.
2. Learned counsel appearing on behalf of the accused-applicant submits that the accused-applicant has been convicted for the offences under Sections 147, 148, 149, 323, 341, 302 & 120B of Indian Penal Code, 1908 and Section 3 & 25 of the Arms Act.
3. Learned counsel for the accused-applicant has annexed the certificate under Rule 311 (3) of the Rajasthan High Court Rules to the effect that the accused-applicant was not on bail during trial and presently, he is serving his sentence in District Jail, Shri

Ganganagar. He further submits that the accused-applicant has been falsely implicated in this matter and he has served the sentence for more than six years. He further submits although, the FIR has been lodged by the borther of the deceased, however, during trial, the learned Trial Court disbelieved the statement of eye witnessess and held that it is a case of circumstantial evidence. He further submits that the accused-applicant has been connected to the alleged crime solely on the basis of call detail records and no recovery has been made at the instance of accused-applicant. He further submits that recovery of *pistol* has been made at the instance of co-accused Yogendra @ Master and the fire arm injury has been caused by co-accused Yogendra @ Master. He further submits that the sentence of life imprisonment has been awarded to the accused-applicant for the offence under Section 302/34 of IPC. He further submits that the appeal is not likely to be heard in near future and prayed that sentence awarded to the accused-applicant may be suspended and he be released on bail during the pendency of the appeal.

4. Learned Deputy Government Advocate has opposed the application for suspension of sentence.

6. We have heard learned counsel for the parties and perused the record.

7. Considering the facts and circumstances of the present case, and also considering the facts that it is a case of circumstantial evidence as held by the learned Trial Court and hearing of appeal may take long time, we deem it just and proper to allow this criminal miscellaneous suspension of sentence application.

8. In that view of the matter, this criminal miscellaneous suspension of sentence application is allowed and it is ordered that execution of sentence awarded to the accused-applicant shall remain suspended during the pendency of the criminal appeal and the accused-applicant be admitted to bail subject to satisfaction of the trial Court with the stipulation that he shall appear before this Court on 02.07.2026 and thereafter as and when called upon to do so.

9. Office is directed to send a copy of this order to the concerned trial Court through e-mail/fax for necessary compliance.

(BHUWAN GOYAL),J

(INDERJEET SINGH),J