

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 675/2026

In
D.B. Criminal Appeal No.231/2025

Shabbir Son Of Mumtaz Khan, Resident Of Miyon Ki Dhani, Police
Station Ranoli District Sikar (At Present Lodged In Central Jail
Bikaner)

-----Petitioner

Versus

State Of Rajasthan, Jaipur

-----Respondent

For Petitioner(s)	:	Mr. S.S. Hora Mr. Sahajveer Baweja
For Respondent(s)	:	Mr. Rishi Raj Singh Rathore, Dy. GA Mr. Vinod Kumar Sharma
For Complainant (s)	:	Mr. V.R. Bajwa, Sr. counsel assisted by Mr. Amar Kumar

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

Order

13/05/2026

1. This suspension of sentence application has been filed by the applicant along with the appeal.
2. Counsel for the applicant has annexed the certificate under Rule 311 (3) of the Rajasthan High Court Rules to the effect that during the trial, the applicant was on bail and the sentence of life imprisonment has been awarded to the applicant under Section 302/149 of IPC and he is in judicial custody. He further submits that the applicant has been falsely implicated in this matter and initially no charge-sheet was filed against the accused-applicant by the police, however the applicant has been added as accused

during trial on the application filed under Section 319 Cr.P.C. by the complainant. Counsel further submits that no recovery has been made from the accused-applicant. Counsel further submits that sentence of similarly situated co-accused persons has already been suspended by this Court and the hearing of appeal may take long time and prayed that sentence awarded to the applicant may be suspended and he be released on bail during the pendency of the appeal.

3. Learned Deputy Government Advocate assisted by counsel for the complainant has opposed the suspension of sentence application and submits that accused-applicant is the main accused person and he has inflicted head injury on the person of deceased.

4. We have heard counsel for the parties and perused the material available on record.

5. Considering the facts and circumstances of the present case and also considering the fact that the sentence of similarly situated co-accused persons has already been suspended by this Court and the applicant has been added as accused during trial on the application filed under Section 319 Cr.P.C. by the complainant and hearing of appeal may take long time, in our view, we deem it just and proper to allow this criminal miscellaneous suspension of sentence application.

6. 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 applicant shall remain suspended during the pendency of the criminal appeal and the

applicant be admitted to bail subject to satisfaction of the trial Court with the stipulation that she shall appear before this Court on 09.07.2026 and thereafter as and when called upon to do so till disposal of the appeal and subject to the following conditions:-

"1. That he will appear before the learned trial Court in the month of January of every year till the appeal is decided.

2. That if the applicant change the place of residence, he will give in writing his changed address to the learned trial Court as well as to their learned counsel in the High Court who shall, in turn, inform this Court.

3. Similarly, if the sureties change his address, he will give in writing his changed address to the learned trial Court."

7. 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