



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 502 of 2026

Dharmveer

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Atul Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 91

HON'BLE RAJ BEER SINGH, J.

Order on Criminal Misc. Application under Section 430(1) BNSS:-

1. Compliance affidavit filed by learned A.G.A. and supplementary affidavit filed by learned counsel for the appellant are taken on record.
2. Heard learned counsel for the appellant and learned A.G.A. for the State.
3. This application has been filed on behalf of the appellant for suspension of sentence and grant of bail during pendency of this appeal.
4. The appellant has been convicted by the trial court under Section 307/ 34 I.P.C. and Section 25/ 27 Arms Act and maximum sentence awarded to the appellant is five years imprisonment.
5. Learned counsel for the appellant submitted that the trial court has failed to appreciate evidence in accordance with law and there is no credible evidence against appellant. The appellant has been acquitted of charge under Section 302/ 34 IPC. Referring to statement of informant and other witnesses, it was submitted that there are material contradictions and infirmities in the prosecution case.
6. It is further submitted that maximum sentence awarded to the appellant is five years and that he has already undergone custody of four years and one month and thus substantial part of sentence awarded by the trial Court has already been served by the appellant. Criminal history of some minor cases shown against appellant has duly been explained. Lastly, it was submitted that due to huge pendency of cases there is no possibility of early hearing in appeal and that if further sentence of appellant is not suspended, the very purpose of filing this appeal would frustrate.

7. Learned A.G.A. has opposed the application and submitted that the conviction of appellant is based on evidence and no case for suspension of sentence/ bail is made out. However, it could not be disputed that appellant has already undergone custody of more than four years.

8. Considering the submissions of learned counsel for the parties, nature of evidence and all attending facts, particularly the period of custody of appellant, without expressing any opinion on the merits, a case for suspension of sentence / grant of bail is made out. Hence, the application for suspension of sentence / bail is hereby **allowed**.

9. Let the appellant **Dharmveer** convicted and sentenced in S.T. No. 243 of 2018 (State Vs. Ankul Yadav and others), arising out of Case Crime No.7 of 2018, under Section 307/ 34 I.P.C. and S.T. No. 419 of 2018 (State Vs. Dharmveer), arising out of Case Crime No.9 of 2018, under Section 25/ 27 Arms Act, Police Station - Khairagarh, District Firozabad, be released on bail on his furnishing a personal bond with two sureties (one should be of his family member) in the like amount to the satisfaction of the court concerned.

10. On acceptance of bail bonds and personal bond, the court concerned shall transmit photostat copies thereof to this Court for being kept on the record.

11. Realization of 50% of the amount of fine imposed by the trial court shall remain stayed during the pendency of this appeal.

Order on memo of appeal:-

List in due course before appropriate Bench.

February 10, 2026

'SP'/-

(Raj Beer Singh,J.)