

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1128/2026
(@Special Leave Petition(Crl.) No.2375/2026)

MOHD PARVEZ ALAM

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

WITH

CRIMINAL APPEAL NO.1129/2026
(@Special Leave Petition(Crl.) No.2376/2026)

O R D E R

1. Leave granted.
2. Since the issues raised in both the captioned Criminal Appeals are the same, those were taken up for hearing analogously and are being disposed of by this common order.
3. These appeals arise from the Orders passed by the High Court of Judicature at Allahabad dated 14-1-2026 in Criminal Appeal No.9392/2022 and Criminal Appeal No.264/2023 respectively, by which the High Court suspended the substantive orders of sentence of life imprisonment imposed by the Trial Court against the accused persons - herein in Sessions Trial No.7831/2007, arising out of Case Crime No.6/2007 registered with Kakrauli Police Station, District Muzaffar Nagar, U.P. for the offence punishable under Sections 147, 148 and 302 of the Indian Penal Code (for short the, "IPC").
4. It is the case of the prosecution that on 2-1-2007, the first informant, i.e., the appellant before us and his son Jan Mohammad

had gone to offer namaz in a masjid.

5. At about 2.00 p.m., when they were about to leave for their home from the masjid, the accused persons are alleged to have fired shots on Jan Mohammed.

6. Jan Mohammed fell down at the very spot of the incident on suffering the gun shot injuries. The accused persons are alleged to have thereafter run away from the place of the incident.

7. The aforesaid is the sum and substance of the case of the prosecution.

8. The accused persons were arrested and were put to trial. In the course of the trial, the prosecution examined two eye-witnesses to the incident.

9. The Trial Court ultimately held all the accused persons guilty of the alleged crime of murder.

10. The accused persons, being dissatisfied with the Judgment and Order of conviction passed by the Trial Court, went before the High Court with two appeals, referred to above.

11. In the two appeals, referred to above, they preferred appropriate applications praying that pending the final disposal of their respective Criminal Appeals, they be released on bail by suspending the substantive orders of sentence of life imprisonment passed by the Trial Court.

12. The High Court allowed the applications preferred by the convicts seeking suspension of sentence of life imprisonment saying that as more than 200 Criminal Appeals are being listed before the Court every day, it was just not possible for the High Court to decide all these appeals on merits.

13. The High Court further observed that the appeals would not be taken up for hearing in near future and saying so, proceeded to suspend the substantive orders of sentence of life imprisonment imposed upon the accused persons before us.

14. We quote the observations made by the High Court as contained in Para 8 of the impugned order:-

"8. After hearing the rival submissions and considering the fact that there are more than two hundreds criminal appeals being listed before this court per day and it is not humanly possible to decide all on merit. There is remote possibility of hearing of this appeal in near future hence prayer for grant of bail to the appellant nos. 1, 3 and 4 are allowed."

15. In such circumstances, referred to above, the original first informant, being dissatisfied with the order passed by the High Court, is here before us with the present appeals.

16. We heard Mr. D.N. Goburdhun, the learned Senior counsel appearing for the appellant (original first informant), Mr. Arvind Singh Sangwan, the learned Senior counsel appearing for the Respondent No.2 - Mudassir, Son of Musharraf in the connected Appeal, Mr. Vikas Singh Jangra, the learned counsel appearing for the Respondent No.2 - Bhoora @ Mudassir, Son of Manzoor Hasan @ Iddu, Respondent No.3 - Manawwar and Respondent No.4 - Jahir Alam respectively in the main Appeal.

17. When an accused is put to trial and is held guilty of the offence with which he is charged, the first thing that happens is that the presumption of innocence comes to an end. Till the accused is not held guilty, the law presumes him to be innocent. This is a well settled principle of criminal jurisprudence.

18. There is a fine distinction between a sentence imposed by the trial court for a fixed term and a sentence of life imprisonment. If a sentence is for a fixed term, ordinarily, the appellate court may exercise its discretion to suspend the operation of the same liberally unless there are any exceptional circumstances emerging from the record to decline. However, when it is a case of life imprisonment, the only legal test which the Court should apply is to ascertain whether there is anything palpable or apparent on the face of the record on the basis of which the court can come to the conclusion that the conviction is not sustainable in law and that the convict has very fair chances of succeeding in his appeal. For applying such test, it is also not permissible for the court to undertake the exercise of re-appreciating the evidence. The emphasis is on the word "palpable" and the expression "apparent on the face of the record".

19. We are not convinced with the ground assigned by the High Court for the purpose of suspending the sentence of life imprisonment.

20. It may be true that the High Court is flooded with Criminal Appeals and it may be equally true that the Courts may not be in a position to take up all these appeals for hearing at the earliest. However, this by itself, cannot be a ground to suspend the substantive order of sentence of life imprisonment and that too in connection with a serious offence like murder. The High Court is obliged to consider the serious nature of offence like murder.

21. The Court is also obliged to consider the relevant factors like the nature of accusation made against the accused, the manner

in which the crime is alleged to have been committed, the desirability of releasing the accused on bail, after they have been convicted for committing the serious offence of murder.

22. We may refer to and rely upon the decision of this Court in the case of "Omprakash Sahni v. Jai Shankar Chaudhary", reported in (2023) 6 SCC 123.

23. We quote the relevant observations made in the said decision, referred to above.

24. Paras 19 to 34 respectively read thus:-

"19. Having heard the learned counsel appearing for the parties and having gone through the materials on record, the only question that falls for our consideration is whether the High Court committed any error in passing the impugned order [Jai Shankar Chaudhary v. State of Bihar, 2022 SCC OnLine Pat 7144] ?

Section 389CrPC and the law on the suspension of sentence

20. Section 389CrPC reads thus:

"389. Suspension of sentence pending the appeal; release of appellant on bail.—(1) Pending any appeal by a convicted person, the appellate court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail, or on his own bond:

Provided that the appellate court shall, before releasing on bail or on his own bond a convicted person who is convicted of an offence punishable with death or imprisonment for life or imprisonment for a term of not less than ten years, shall give opportunity to the Public Prosecutor for showing cause in writing against such release:

Provided further that in cases where a convicted person is released on bail it shall be open to the Public Prosecutor to file an application for the cancellation of the bail.

(2) The power conferred by this Section on an appellate court may be exercised also by the High Court in the case of an appeal by a convicted person to a court subordinate thereto.

(3) Where the convicted person satisfies the Court by which he is convicted that he intends to present an appeal, the Court shall,—

(i) where such person, being on bail, is sentenced to imprisonment for a term not exceeding three years, or

(ii) where the offence of which such person has been convicted is a bailable one, and he is on bail, order that the convicted person be released on bail, unless there are special reasons for

refusing bail, for such period as will afford sufficient time to present the appeal and obtain the orders of the appellate court under sub-section (1), and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended.

(4) When the appellant is ultimately sentenced to imprisonment for a term or to imprisonment for life, the time during which he is so released shall be excluded in computing the term for which he is so sentenced."

21. Suspension conveys postponement or temporarily preventing a state of affairs from continuing. According to Black's Law Dictionary (Seventh Edition), the word "suspend" means, inter alia, to interrupt; postpone; defer. Black's Law Dictionary (Seventh Edition) describes the word "suspension" to mean, inter alia, an act of temporarily delaying, interrupting or terminating something. Attributing the same meaning to the word "suspend" as pointed out above, New Oxford Dictionary of English (1998 Edition) describes suspend as temporarily preventing from continuing or being enforced or given effect or defer or delay an action, event or judgment.

22. Thus, when we speak of suspension of sentence after conviction, the idea is to defer or postpone the execution of the sentence. The purpose of postponement of sentence cannot be achieved by detaining the convict in jail; hence, as a natural consequence of postponement of execution, the convict may be enlarged on bail till further orders.

23. The principle underlying the theory of criminal jurisprudence in our country is that an accused is presumed to be innocent till he is held guilty by a court of competent jurisdiction. Once the accused is held guilty, the presumption of innocence gets erased. In the same manner, if the accused is acquitted, then the presumption of innocence gets further fortified.

24. From perusal of Section 389CrPC, it is evident that save and except the matter falling under the category of sub-section (3) neither any specific principle of law is laid down nor any criteria has been fixed for consideration of the prayer of the convict and further, having a judgment of conviction erasing the presumption leaning in favour of the accused regarding innocence till contrary recorded by the court of competent jurisdiction, and in the aforesaid background, there happens to be a fine distinction between the prayer for bail at the pre-conviction as well as the post-conviction stage viz. Sections 437, 438, 439 and 389(1)CrPC.

25. In *Rajesh Ranjan Yadav v. CBI* [*Rajesh Ranjan Yadav v. CBI*, (2007) 1 SCC 70 : (2007) 1 SCC (Cri) 254] , it has been held under paras 8, 9 and 10, respectively, which are as follows : (SCC pp. 74-75)

"8. The learned counsel for the appellant then relied on the decision of this Court in *Kashmira Singh v. State of Punjab* [*Kashmira Singh v. State of Punjab*, (1977) 4 SCC 291 : 1977 SCC (Cri) 559] . In para 2 of the said decision it was observed as under : (SCC pp. 292-93)

'2. ... It would indeed be a travesty of justice to keep a person in jail for a period of five or six years for an offence which

is ultimately found not to have been committed by him. Can the Court ever compensate him for his incarceration which is found to be unjustified? Would it be just at all for the Court to tell a person: 'We have admitted your appeal because we think you have a prima facie case, but unfortunately we have no time to hear your appeal for quite a few years and, therefore, until we hear your appeal, you must remain in jail, even though you may be innocent?' What confidence would such administration of justice inspire in the mind of the public? It may quite conceivably happen, and it has in fact happened in a few cases in this Court, that a person may serve out his full term of imprisonment before his appeal is taken up for hearing. Would a Judge not be overwhelmed with a feeling of contrition while acquitting such a person after hearing the appeal? Would it not be an affront to his sense of justice? Of what avail would the acquittal be to such a person who has already served out his term of imprisonment or at any rate a major part of it? It is, therefore, absolutely essential that the practice which this Court has been following in the past must be reconsidered and so long as this Court is not in a position to hear the appeal of an accused within a reasonable period of time, the Court should ordinarily, unless there are cogent grounds for acting otherwise, release the accused on bail in cases where special leave has been granted to the accused to appeal against his conviction and sentence.'

9. The learned counsel for the appellant then relied on the decision of this Court in *Bhagirathsinh v. State of Gujarat* [*Bhagirathsinh v. State of Gujarat*, (1984) 1 SCC 284 : 1984 SCC (Cri) 63] , *Shaheen Welfare Assn. v. Union of India* [*Shaheen Welfare Assn. v. Union of India*, (1996) 2 SCC 616 : 1996 SCC (Cri) 366] , *Joginder Kumar v. State of U.P.* [*Joginder Kumar v. State of U.P.*, (1994) 4 SCC 260 : 1994 SCC (Cri) 1172] , etc.

10. In our opinion none of the aforesaid decisions can be said to have laid down any absolute and unconditional rule about when bail should be granted by the Court and when it should not. It all depends on the facts and circumstances of each case and it cannot be said that there is any absolute rule that because a long period of imprisonment has expired bail must necessarily be granted."

26. This Court in *Ash Mohammad v. Shiv Raj Singh* [*Ash Mohammad v. Shiv Raj Singh*, (2012) 9 SCC 446 : (2012) 3 SCC (Cri) 1172] , has observed in para 30, as follows : (SCC pp. 458-59)

"30. We may usefully state that when the citizens are scared to lead a peaceful life and this kind of offences usher in an impediment in establishment of orderly society, the duty of the court becomes more pronounced and the burden is heavy. There should have been proper analysis of the criminal antecedents. Needless to say, imposition of conditions is subsequent to the order admitting an accused to bail. The question should be posed whether the accused deserves to be enlarged on bail or not and only thereafter issue of imposing conditions would arise. We do not deny for a moment that period of custody is a relevant factor but simultaneously the totality of circumstances and the criminal antecedents are also to be weighed. They are to be weighed in the scale of collective cry and desire. The societal concern has to be kept in view in juxtaposition of individual

liberty. Regard being had to the said parameter we are inclined to think that the social concern in the case at hand deserves to be given priority over lifting the restriction on liberty of the accused."

27. In *Bhagwan Rama Shinde Gosai v. State of Gujarat* [*Bhagwan Rama Shinde Gosai v. State of Gujarat*, (1999) 4 SCC 421 : 1999 SCC (Cri) 553] , wherein the appellants were convicted by the trial court against which, the appeal was pending before the High Court, the High Court successively rejected the prayer for grant of bail till the pendency of appeal after suspending the sentence. Thus, it has been held as follows : (SCC p. 422, para 3)

"3. When a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence can be considered by the appellate court liberally unless there are exceptional circumstances. Of course, if there is any statutory restriction against suspension of sentence it is a different matter. Similarly, when the sentence is life imprisonment the consideration for suspension of sentence could be of a different approach. But if for any reason the sentence of a limited duration cannot be suspended every endeavour should be made to dispose of the appeal on merits more so when a motion for expeditious hearing of the appeal is made in such cases. Otherwise the very valuable right of appeal would be an exercise in futility by efflux of time. When the appellate court finds that due to practical reasons such appeals cannot be disposed of expeditiously the appellate court must bestow special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. Of course, appellate courts can impose similar conditions when bail is granted."

28. In *Sidhartha Vashisht v. State (NCT of Delhi)* [*Sidhartha Vashisht v. State (NCT of Delhi)*, (2008) 5 SCC 230 : (2008) 2 SCC (Cri) 571] (popularly known as the Jessica Lal murder case), this Court had the occasion to consider the rival submissions as well as various judicial pronouncements referred to by both the sides over the prayer for bail. Thus, it has been held as follows : (SCC pp. 235, 239-40, paras 19, 30-32)

"19. We are conscious and mindful that the main matter (appeal) is admitted and is pending for final hearing. Observations on merits, one way or the other, therefore, are likely to prejudice one or the other party to the appeal. We are hence not entering into the correctness or otherwise of the evidence on record. It, however, cannot be overlooked that as on today, the applicant has been found guilty and convicted by a competent criminal court. Initial presumption of innocence in favour of the accused, therefore, is no more available to the applicant.

30. ... In the above cases, it has been observed that once a person has been convicted, normally, an appellate court will proceed on the basis that such person is guilty. It is no doubt true that even thereafter, it is open to the appellate court to suspend the sentence in a given case by recording reasons. But it is well settled, as observed in *Vijay Kumar* [*Vijay Kumar v. Narendra*, (2002) 9 SCC 364 : 2003 SCC (Cri) 1195] that in

considering the prayer for bail in a case involving a serious offence like murder punishable under Section 302IPC, the Court should consider all the relevant factors like the nature of accusation made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the desirability of releasing the accused on bail after he has been convicted for committing serious offence of murder, etc. It has also been observed in some of the cases that normal practice in such cases is not to suspend the sentence and it is only in exceptional cases that the benefit of suspension of sentence can be granted.

31. In *Hasmat [State of Haryana v. Hasmat, (2004) 6 SCC 175 : 2004 SCC (Cri) 1757]* , this Court stated : (SCC p. 176, para 6)

6. Section 389 of the Code deals with suspension of execution of sentence pending the appeal and release of the appellant on bail. There is a distinction between bail and suspension of sentence. One of the essential ingredients of Section 389 is the requirement for the appellate court to record reasons in writing for ordering suspension of execution of the sentence or order appealed. If he is in confinement, the said court can direct that he be released on bail or on his own bond. The requirement of recording reasons in writing clearly indicates that there has to be careful consideration of the relevant aspects and the order directing suspension of sentence and grant of bail should not be passed as a matter of routine.'

32. The mere fact that during the period of trial, the accused was on bail and there was no misuse of liberty, does not per se warrant suspension of execution of sentence and grant of bail. What is really necessary is to consider whether reasons exist to suspend execution of the sentence and grant of bail."

29. In *Atul Tripathi v. State of U.P. [Atul Tripathi v. State of U.P., (2014) 9 SCC 177 : (2014) 6 SCC (Cri) 19]* , whereunder apart from identifying the differences of consideration of prayer for grant of bail relating to pre-conviction stage as well as post-conviction stage, it has been held in para 14 which is as follows : (SCC p. 184)

"14. Service of a copy of the appeal and application for bail on the Public Prosecutor by the appellant will not satisfy the requirement of the first proviso to Section 389(1)CrPC. The appellate court may even without hearing the Public Prosecutor, decline to grant bail. However, in case the appellate court is inclined to consider the release of the convict on bail, the Public Prosecutor shall be granted an opportunity to show cause in writing as to why the appellant be not released on bail. Such a stringent provision is introduced only to ensure that the court is apprised of all the relevant factors so that the court may consider whether it is an appropriate case for release having regard to the manner in which the crime is committed, gravity of the offence, age, criminal antecedents of the convict, impact on public confidence in the justice-delivery system, etc."

30. In *Kishori Lal v. Rupa [Kishori Lal v. Rupa, (2004) 7 SCC 638 : 2004 SCC (Cri) 2021]* , this Court has indicated the

factors that require to be considered by the courts while granting benefit under Section 389CrPC in cases involving serious offences like murder, etc. Thus, it is useful to refer to the observations made therein, which are as follows : (SCC pp. 639-40, paras 4-6)

"4. Section 389 of the Code deals with suspension of execution of sentence pending the appeal and release of the appellant on bail. There is a distinction between bail and suspension of sentence. One of the essential ingredients of Section 389 is the requirement for the appellate court to record reasons in writing for ordering suspension of execution of the sentence or order appealed against. If he is in confinement, the said court can direct that he be released on bail or on his own bond. The requirement of recording reasons in writing clearly indicates that there has to be careful consideration of the relevant aspects and the order directing suspension of sentence and grant of bail should not be passed as a matter of routine.

5. The appellate court is duty-bound to objectively assess the matter and to record reasons for the conclusion that the case warrants suspension of execution of sentence and grant of bail. In the instant case, the only factor which seems to have weighed with the High Court for directing suspension of sentence and grant of bail is the absence of allegation of misuse of liberty during the earlier period when the accused-respondents were on bail.

6. The mere fact that during the trial, they were granted bail and there was no allegation of misuse of liberty, is really not of much significance. The effect of bail granted during trial loses significance when on completion of trial, the accused persons have been found guilty. The mere fact that during the period when the accused persons were on bail during trial there was no misuse of liberties, does not per se warrant suspension of execution of sentence and grant of bail. What really was necessary to be considered by the High Court is whether reasons existed to suspend the execution of sentence and thereafter grant bail. The High Court does not seem to have kept the correct principle in view."

31. In *Vijay Kumar v. Narendra* [*Vijay Kumar v. Narendra*, (2002) 9 SCC 364 : 2003 SCC (Cri) 1195] and *Ramji Prasad v. Rattan Kumar Jaiswal* [*Ramji Prasad v. Rattan Kumar Jaiswal*, (2002) 9 SCC 366 : 2003 SCC (Cri) 1197] , it was held by this Court that in cases involving conviction under Section 302IPC, it is only in exceptional cases that the benefit of suspension of sentence can be granted. In *Vijay Kumar* [*Vijay Kumar v. Narendra*, (2002) 9 SCC 364 : 2003 SCC (Cri) 1195] , it was held that in considering the prayer for bail in a case involving a serious offence like murder punishable under Section 302IPC, the court should consider the relevant factors like the nature of accusation made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, and the desirability of releasing the accused on bail after they have been convicted for committing the serious offence of murder.

32. The aforesaid view is reiterated by this Court in *Vasant Tukaram Pawar v. State of Maharashtra* [*Vasant Tukaram Pawar v.*

State of Maharashtra, (2005) 5 SCC 281 : 2005 SCC (Cri) 1052] and *Gomti v. Thakurdas [Gomti v. Thakurdas, (2007) 11 SCC 160 : (2008) 1 SCC (Cri) 644]* .

33. Bearing in mind the aforesaid principles of law, the endeavour on the part of the court, therefore, should be to see as to whether the case presented by the prosecution and accepted by the trial court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. If the answer to the abovesaid question is to be in the affirmative, as a necessary corollary, we shall have to say that, if ultimately the convict appears to be entitled to have an acquittal at the hands of this Court, he should not be kept behind the bars for a pretty long time till the conclusion of the appeal, which usually takes very long for decision and disposal. However, while undertaking the exercise to ascertain whether the convict has fair chances of acquittal, what is to be looked into is something palpable. To put it in other words, something which is very apparent or gross on the face of the record, on the basis of which, the court can arrive at a prima facie satisfaction that the conviction may not be sustainable. The appellate court should not reappreciate the evidence at the stage of Section 389 CrPC and try to pick up a few lacunae or loopholes here or there in the case of the prosecution. Such would not be a correct approach.

34. In the case on hand, what the High Court has done is something impermissible. The High Court has gone into the issues like political rivalry, delay in lodging the FIR, some over-writings in the first information report, etc. All these aspects, will have to be looked into at the time of the final hearing of the appeals filed by the convicts. Upon cursory scanning of the evidence on record, we are unable to agree with the contentions coming from the learned Senior Counsel for the convicts that, either there is absolutely no case against the convicts or that the evidence against them is so weak and feeble in nature, that, ultimately in all probabilities the proceedings would terminate in their favour. For the very same reason we are unable to accept the contention coming from the convicts through their learned Senior Counsel that, it would be meaningless, improper and unjust to keep them behind the bars for a pretty long time till they are found not to be guilty of the charges."

25. Although the learned counsel appearing for the convicts made a gallant effort to convince us that the conviction is even otherwise not sustainable in law, yet we would not like to undertake the exercise of appreciating the evidence on record at this stage.

26. We are of the view that we should set aside both the orders impugned before us and remit the matter to the High Court for fresh

consideration insofar as the plea of the convicts for suspension of substantive order of sentence of life imprisonment is concerned.

27. We expect the High Court to keep in mind the well-settled principles governing the subject, more particularly, what has been explained by this Court in its decision, referred to above and pass a fresh order keeping in mind the well-settled principles governing the subject i.e. suspension of the substantive order of sentence of life imprisonment.

28. At this stage, the learned counsel appearing for the original de-facto complainant made a fervent appeal that let the plea for suspension of the sentence afresh be heard by any other Bench i.e. the Bench other than the one which passed the impugned order. We outright reject this prayer of the appellant - original first informant. Let it be made very clear that whenever we set aside an order what we are finding fault with, is the order and not the learned judge who has made the order. Hence, there is absolutely no justification for the appellant to make this prayer.

29. In the result, both the appeals succeed. The two impugned orders passed by the High Court are set aside. The matters are remitted to the High Court for fresh consideration of the plea for suspension of the substantive order of sentence of life imprisonment.

30. As we have set aside both the orders, we direct the convicts before us to surrender before the concerned Jail Authorities within a period of two weeks from today. Once they surrender and a surrender certificate is produced before the Bench of the High Court, the High Court shall thereafter proceed to hear the matter

afresh in accordance with law and pass appropriate orders.

31. Pending applications, if any, also stand disposed of.

.....J
(J.B. PARDIWALA)

.....J
(K.V.VISWANATHAN)

NEW DELHI
23rd FEBRUARY, 2026.

ITEM NO.58

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.2375/2026

[Arising out of impugned final judgment and order dated 14-01-2026 in CRLA No. 9392/2022 passed by the High Court of Judicature at Allahabad]

MOHD PARVEZ ALAM

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(IA No. 32464/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 32465/2026 - EXEMPTION FROM FILING O.T.)

WITH

SLP(Crl) No. 2376/2026 (II)

(IA No. 32441/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 32444/2026 - EXEMPTION FROM FILING O.T.)

Date : 23-02-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. D.N. Goburdhun, Sr. Adv.
Mr. Vipin Kumar Bharti, Adv.
Mr. Towseef Ahmad Dar, AOR
Yasho Agarwal, Adv.
Mr. Tejveer, Adv.

For Respondent(s) :

Mr. Vishwa Pal Singh, AOR
Mr. Mukesh Kumar, Adv.
Mr. Ashutosh Bhardwaj, Adv.
Mr. Prateek Rai, Adv.
Mr. Y.p. Singh, Adv.
Mr. Abhijit Singh, Adv.
Mr. Pankaj Gupta, Adv.
Mr. Anurag Nagar, Adv.
Mr. Akas Gothwal, Adv.
Mr. Arun Singh, Adv.
Mr. Varun Singh, Adv.

Mr. Arvind Singh Sangwan, Sr.Adv.
Mr. Aniruddh Singh Shera, Adv.
Ms. Vanya Gupta, AOR
Ms. Monika Anand, Adv.
Mr. Shantanu Singh Sangwan, Adv.

Mr. Vikas Singh Jangra, AOR
Ms. Sabarni Som, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Exemption Applications are allowed.
2. Leave granted
3. Both the appeals succeed, in terms of the signed order.
4. As we have set aside both the orders, we direct the convicts before us to surrender before the concerned Jail Authorities within a period of two weeks from today. Once they surrender and a surrender certificate is produced before the Bench of the High Court, the High Court shall thereafter proceed to hear the matter afresh in accordance with law and pass appropriate orders.
5. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed Order is placed on the file)