

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2026
(Arising out of SLP(Crl.) No.2204/2026)**

KULDEEP SINGH SENGAR

APPELLANT(S)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The appellant is aggrieved by an order dated 19.01.2026 passed by the High Court of Delhi, declining his application under Section 389(3) of the Code of Criminal Procedure, 1973, seeking suspension of sentence and consequential release on bail in CrI.A. No.539/2020. The above-stated criminal appeal has been directed against a judgment dated 04.03.2020 of the Trial Court vide which the appellant was convicted for offences under Sections 166, 167, 193, 201, 203, 21, 218, 323, 341, 304 and 120B of the Indian Penal Code, 1860 and Sections 3/25 of the Arms Act, 1959. He was consequently sentenced to a maximum of 10 years' rigorous

imprisonment, although separate sentences were imposed for different offences.

3. It seems that the appellant, besides making an attempt of case for suspension of sentence and release on bail on merits, also vehemently urged before the High Court that he has already undergone an actual sentence of 7 years and 7 months. The appellant also urged that some of his co-accused had already been released on bail after their sentences were suspended vide orders dated 22.09.2023 and 17.10.2023. The High Court, however, vide impugned order declined the suspension of sentence and consequential release on bail, *inter alia*, observing that the appellant is already serving a life sentence for the rape of the deceased minor girl in a connected case; that his previous application for suspension of sentence was dismissed on 07.06.2024 and that there are no new exceptional and compelling circumstances etc. etc.

4. The aggrieved appellant is thus before us.

5. At the outset, it is pointed out by Shri Tushar Mehta, learned Solicitor General of India, representing the Central Bureau of Investigation, that the appellant's CrI.A. No.539/2020 is now listed before the High Court on 11.02.2026. He thus submits that the High Court may be requested to take up and decide the appeal on merits on an out-of-turn basis.

6. At this juncture, learned counsel for the

victim/complainant states that the complainant side has also filed an appeal challenging the Trial Court judgment dated 04.03.2020 on various grounds, including on the question of quantum of sentence.

7. Since there is no reference to that appeal in the impugned order of the High Court, we do not express any opinion in relation thereto.

8. Keeping all the attending circumstances of the case, especially the period of sentence already undergone by the appellant, we deem it a fit case for requesting the High Court to accord out of turn hearing in CrI.A. No.539/2020 and decide the same as early as possible, but not later than three months.

9. As regards the criminal appeal, if any, filed by the complainant/victim, we grant liberty to the appellant in that case to approach the High Court for taking up that appeal too for hearing. The High Court is requested to firstly take up that matter within one week and subject to the objection *re: maintainability*, it will be in the interest of justice that both the appeals be heard and decided together. If such a recourse requires a change in the composition of the Bench for deciding CrI.A. No.539/2020, the Hon'ble Chief Justice of the High Court will do the needful in this regard.

10. If there are other connected appeals, those too will be

taken up and decided along with the lead case.

11. The appeal is, accordingly, disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(N.V. ANJARIA)

NEW DELHI;
FEBRUARY 09, 2026

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).2204/2026

[Arising out of impugned final judgment and order dated 19-01-2026 in CRLMB No. 2050/2024 passed by the High Court of Delhi at New Delhi]

KULDEEP SINGH SENGAR

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

IA No. 39778/2026 - EXEMPTION FROM FILING O.T.

Date : 09-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Mr. Siddharth Dave, Sr. Adv.
Mr. SPM Tripathi, Adv.
Mr. Hemant Shah, Adv.
Ms. Aishwarya Sengar, Adv.
Mr. P. S. Sudheer, AOR
Mr. Rishi Maheshwari, Adv.
Mr. Bharat Sood, Adv.
Mr. Jai Govind M J, Adv.
Mr. Jashan Vir Singh, Adv.
Mr. Gaurav Mani Tripathi, Adv.
Mr. Gaurav Chaudhary, Adv.
Mr. Pawan Kumar Sharma, Adv.
Mr. Rahul Punia, Adv.

For Respondent(s) : Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
Ms. Astha Singh, Adv.
Mr. Madhav Udupa, Adv.
Mr. M.K. Maroria, AOR

Mr. Mehmood Pracha, Adv.
Mr. R.H.A. Sikander, AOR
Mr. Jatin Bhat, Adv.
Mr. Sanawar, Adv.
Mr. Kshitij Singh, Adv.

Ms. Nujhat Naseem, Adv.
Mr. Sikander, Adv.

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

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(PREETHI T.C.)
ASSISTANT REGISTRAR

*Revised for appearance only from petitioner's side