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SLP(Crl.)No. 2880 OF 2004

ITEM No.8

Court No. 1

SECTION IIA
A/N MATTER

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(s) for Special Leave to Appeal (Crl.) No. 2880/2004
(From the judgement and order dated 01/12/2003 in CrlM 49064/03
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SHAM LAL

Petitioner (s)

VERSUS

STATE OF HARYANA

Respondent (s)

(With Appln(s). for bail)(With Office Report)

Date : 06/08/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)Mr. K.K. Mohan,Adv.

For Respondent (s)Mr. Anil Kr. Thakur, Adv.
Mr. Vinay Kr. Garg, Adv.

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

Leave granted.

The appeal is allowed. It is directed that during the hearing of the appeal by the High Court the sentence of imprisonment for life passed on the appellant shall remain suspended and he shall be released on bail on furnishing personal bond and security bond in the amount appointed by the trial court and to its satisfaction for appearance before the High Court.

(D.P.WALIA) (RADHA R. BHATIA)
COURT MASTER COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.804 OF 2004
[arising out of SLP(Crl.) No. 2880 of 2004]

Sham Lal Appellant(s)

versus

State of Haryana Respondent(s)

O R D E R

Leave granted.

Four accused persons were held guilty of offences punishable under Sections 364/302/34, I.P.C. and sentenced to imprisonment for life. All the accused persons have preferred appeals which are pending in the High Court. The prayer for suspension of sentence made by the appellant Sham Lal has been rejected by the High Court.

It is conceded at the Bar that the sentences passed on all other three accused-appellants have been suspended and they have been ordered to be released on bail and so far as the present appellant before us is concerned his case cannot be distinguished from the cases of other accused-appellants so far as the role assigned to them in the incident is concerned. In such circumstances, we feel, it will be just and proper not to deny a similar relief to the present appellant as has been allowed to the three others.

The appeal is allowed. It is directed that during the hearing of the appeal by the High Court the sentence of imprisonment for life passed on this appellant shall remain suspended and he shall be released on bail on furnishing personal bond and security bond in the amount appointed by the trial court and to its satisfaction for appearance before the High Court.

.....CJI

.....J.

(G.P. MATHUR)

New Delhi,

AUGUST 06, 2004.