

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

D.B. Criminal Misc. Bail (Suspension Of Sentence) Application  
No. 776/2026

In

D.B. Criminal Appeal No.180/2026

1. Sayarmal Son Of Sardara Gurjar, Aged About 72 Years, Resident Of Sundarpura, Police Station Kotputli, District Kotputli-Behror. (At Present In Central Jail, Jaipur)
2. Deshraj Son Of Ramniwas, Aged About 23 Years, Resident Of Sundarpura, Police Station Kotputli, District Kotputli-Behror. (At Present In Central Jail, Jaipur)

---Accused-Appellants

Versus

The State Of Rajasthan, Through PP

----Respondent

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For Petitioner(s)	:	Mr. Rajesh Kumar Sharma with Ms. Kamini Pareek, Mr. Sarthak Choubey & Mr. Dhanna Lal Meena
For Respondent(s)	:	Mr. Amit Kumar Punia, PP Ms. Shweta Soni, for complainant

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**HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL  
HON'BLE MR. JUSTICE ANIL KUMAR UPMAN**

**Order**

**27/05/2026**

This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the accused-applicants (for brevity, "the applicants") along with the appeal. The applicants have been convicted and sentenced by the learned Additional & District Sessions Judge No.1, Kotputli, District Kotputli-Behror (for short, 'the learned trial Court') vide

judgment dated 09.04.2026 passed in Sessions Case 14/2016 (CIS No.14/2016) as under:-

**Section 302 IPC:-** Life imprisonment and fine of Rs.30,000/-; in default whereof, six months' additional imprisonment.

**Section 120B IPC:-** Life imprisonment and fine of Rs.30,000/-; in default whereof, six months' additional imprisonment.

**Section 365 IPC:-** Five years' rigorous imprisonment and fine of Rs.5,000/-; in default whereof, two months' additional imprisonment.

**Section 323 IPC:-** Six months' rigorous imprisonment and fine of Rs.500/-; in default whereof, one month's additional imprisonment.

**Section 342 IPC:-** Six months' rigorous imprisonment and fine of Rs.500/-; in default whereof, fifteen days' additional imprisonment.

**Section 143 IPC:-** Three months' rigorous imprisonment and fine of Rs.200/-; in default whereof, fifteen days' additional imprisonment.

Sentences to run concurrently.

Learned counsel for the applicants, inviting attention of this Court towards the post-mortem report of the body of the deceased (Ex.P-21) and the statement of the members of the medical board namely Dr. Ashvini Goyal (PW-10), Dr. Vishambhar Gupta (PW-11) and Dr. Prem Chand (PW-19), would submit that although, there were multiple injuries on the body of the deceased but, same were found to be simple in nature and cause of death was found to be asphyxia on account of smothering. He submits that none of the eye witnesses, relied upon by the prosecution, has alleged that

the applicants murdered the deceased by smothering rather, their only allegation is of beating the deceased. Learned counsel further contends that as per the prosecution testimony, when condition of the deceased deteriorated, the applicants, along with co-accused, had taken him to hospital for treatment. He asserts that applicants were on bail during trial, hearing of appeal is likely to take time and prays for suspension of their sentence.

Per contra, learned Public Prosecutor, assisted by learned counsel for the complainant, opposed the prayer.

Heard. Considered.

From the post-mortem report of the body of the deceased and the testimony of the members of medical board, it is reflected that injuries on the body of the deceased were found to be simple in nature and cause of death was opined to be asphyxia due to smothering. However, two eye witnesses relied upon by the prosecution namely Sheeshram (PW-1) and Roshan (PW-6) have not stated that the applicants caused death of deceased Bhojraj by strangulation rather, their only allegation is of beating the deceased. It is also reflected that the deceased was being beaten on an allegation of stealing of a buffalo and when his condition deteriorated, the applicants, along with co-accused as also members of deceased's family, had taken him to hospital. The applicants were on bail during trial with no allegation of its misuse. Hearing of the appeal is likely to take time.

In the conspectus of the aforesaid analysis, we are inclined to allow the application for suspension of sentence.

Resultantly, the suspension of sentence application is allowed. Substantive sentences awarded to the applicants by the learned trial Court vide judgment dated 09.04.2026 shall remain suspended during pendency of the appeal and the applicants- **Sayarmal Son Of Sardara Gurjar, Deshraj Son Of Ramniwas,** shall be released on bail provided that each of them furnishes bail bonds to the satisfaction of the learned trial Court to the effect that they shall appear before this Court on 02.07.2026 and as and when called upon to do so till disposal of the appeal and subject to the following conditions:-

1. That they will appear before the learned trial Court in the month of January of every year till the appeal is decided.
2. That if the applicants change the place of residence, they will give in writing their changed address to the learned trial Court as well as to the learned counsel in the High Court who shall, in turn, inform this Court.
3. Similarly, if the surety(ies) change(s) his/their address(es), he/they will give in writing his/their changed address to the learned trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicants in a separate file(s). Such file(s) be registered as Criminal Misc. Case relating to original case in which the accused-applicants were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file(s) shall not be taken into account for statistical purpose relating to pendency and disposal of the cases in the learned trial Court. In case, the said accused-applicants do not appear before the learned trial Court, the learned trial Judge shall report the

matter to the High Court for cancellation of benefit extended by  
this order.

(ANIL KUMAR UPMAN),J

(MAHENDAR KUMAR GOYAL),J

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