

Lalo vs State of H.P.

Cr.MP No. 3666 of 2026

In Criminal Appeal (C-SB) No. 210 of 2026

Reserved on 30.09.2026

06.10.2026 Present: Mr Abhinav Mohan Goel, Advocate, for the petitioner.
Mr P.K. Nadda, Additional Advocate General, for the respondent/State.

The applicant/appellant has filed the present application for suspension of sentence imposed by the learned Special Judge-II, Chamba, District Chamba, H.P. (learned Trial Court) in the case titled State of H.P. vs. Lalo.

2. It has been asserted that the appeal is likely to take a considerable time for its disposal on merit. The applicant has a *prima facie* arguable case in his favour. He is the sole earner of his family, and his family members would suffer hardship in his absence. Therefore, it has been prayed that the present application be allowed and the sentence imposed by the learned trial Court be suspended during the pendency of the appeal.

3. The application is opposed by filing a reply asserting that the police had apprehended the petitioner with a carry bag containing 808 grams of Charas. The prosecution has proved its case beyond reasonable doubt, and the learned trial Court had rightly convicted and

sentenced the applicant. There is no infirmity in the judgment passed by the learned trial Court, and he has no right to seek suspension of the sentence. Hence, it was prayed that the present application be dismissed.

4. I have heard Mr Abhinav Mohan Goel, learned counsel for the petitioner and Mr P.K. Nadda, learned Additional Advocate General for the respondent/State.

5. Mr Abhinav Mohan Goel, learned counsel for the petitioner, took this court through the statements of relevant witnesses and submitted that the prosecution case is inherently improbable. As per the prosecution, the police had apprehended the petitioner after he started running away on seeing the police near the police post. B.O. Krishan Chand was standing outside the forest check post located adjacent to the police post, but he has not deposed about the accused running away after seeing the police. The police post had the CCTV footage, but the CCTV footage was not produced before the Court. The case property was not produced before the Court, and no order for destruction passed by competent authority was placed on record. The petitioner has a fair chance of acquittal. The appeal is not likely to be taken up soon for hearing. Hence, he prayed that the present application be allowed and the order passed by

learned trial Court be suspended during the pendency of the appeal.

6. Mr P. K. Nadda, learned Additional Advocate General for the respondent/State, submitted that the prosecution has proved its case beyond reasonable doubt, the learned trial Court had rightly appreciated the evidence, and the applicant has no case in his favour. Hence, he prayed that the present application be dismissed.

7. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

8. Krishan Chand (PW-4) stated that he was standing outside the forest check post on 05.11.2019 at about 06:25 a.m. HC Sanjeev Kumar called him; he went to the spot and found that one person was apprehended by the police. The site plan (Ext.P44/PW-17) shows that the forest check post and the police check post, Tunnu Hatti, are located adjacent to each other. As per the prosecution, the applicant started running away after seeing the police, and he was apprehended after a distance of 20-25 steps. Prima facie, it is unlikely that Kishan Chand would not have noticed a person running away and being apprehended by the police,

and failure to state this fact before the Court would show that the applicant has an arguable case in his favour.

9. The witnesses admitted that the CCTV camera is installed outside the Police Post Tunnu Hatti; however, no CCTV footage was produced before the Court. This was essential in view of the contradictions in the statements of the official witnesses.¹

10. The police have not produced the case property before the Court and only a certificate of destruction was produced. A Division Bench of this Court held in *Lalman v. State of HP 2024 HLC 6596* that when the certificate of destruction was produced, but no order of destruction passed by competent authority was produced before the court, the prosecution case becomes suspect.

11. All these aspects show that the applicant has an arguable case in his favour. The appeal was filed in the year 2026. This Court has the roster to hear the criminal appeal of the year 2025. Thus, the appeal is not likely to be taken up for hearing soon. Hence, the substantive sentence of imprisonment awarded by learned Special Judge-II, Chamba, District Chamba, H.P. vide judgment and order of sentence dated 28.10.2025 in Criminal case bearing No. 15 of

¹ Tomaso Bruno v. State of U.P., (2015) 7 SCC 178

2020, is ordered to be suspended till the disposal of the main appeal, subject to his furnishing of personal bonds in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of learned trial Court and the deposit of the fine amount, if not deposited earlier, within a period of one month from today, with an undertaking to appear before this Court as and when directed to do so and surrender before the learned trial Court to serve sentence, in case of dismissal of the present appeal.

12. Learned trial Court is directed to transmit the bail bonds, so furnished by the applicants before it, for placing them on record.

13. The application stands disposed of.

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List for hearing in due course.

06th October, 2026
(Ravinder)

(Rakesh Kainthla)
Judge