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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010341062026

+ **CRL.A. 711/2026**

SUNNY

.....Appellant

Through: Mr. Vikasdeep Sharma, Mr. Shafiq Khan, Mr. Avishek Kumar, Mr. Salmaan and Mr. Sudarshan Jha, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Nitesh Mahiya, PS: Sagarpur.

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CNR No. DLHC010358372026

+ **CRL.A. 746/2026**

SHIVAM

.....Appellant

Through: Mr. Vikasdeep Sharma, Mr. Shafiq Khan, Mr. Avishek Kumar, Mr. Salmaan and Mr. Sudarshan Jha, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Nitesh Mahiya, PS: Sagarpur.

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CNR No. DLHC010381912026



CRL.A. 789/2026

SAHIL

.....Appellant

Through: Mr. Vikasdeep Sharma, Mr. Shafiq Khan, Mr. Avishek Kumar, Mr. Salmaan and Mr. Sudarshan Jha, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
SI Nitesh Mahiya, PS: Sagarpur.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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20.08.2026

CRL.M.(BAIL) 1427/2026 (suspension of sentence) in CRL.A. 711/2026

CRL.M.(BAIL) 1481/2026 (suspension of sentence) in CRL.A. 746/2026

CRL.M.(BAIL) 1546/2026 (suspension of sentence) in CRL.A. 789/2026

1. These appeals have already been admitted.
2. The appellants, *vide* judgment dated 06.06.2026 and order on sentence dated 08.06.2026, have been convicted and sentenced by ASJ-04, New Delhi District, Patiala House Court, New Delhi for the offence under Sections 307 and 34 of the Indian Penal Code, 1860 ('IPC'). They have been sentenced for four years and six months with Rs. 10,000/- fine.
3. Learned counsel appearing for the appellants submits that they are innocent and have been falsely implicated. The father of the injured is the only eyewitness, and according to his testimony, no specific allegations are attributable to the present applicants. Initially, it was alleged that there were 15-20 people, however, in the Court testimony it has come on record that no



one was seen at the time of the incident. The act of stabbing is attributable to Kapil, who is the appellant in another appeal. Even otherwise, the injuries were not grievous in nature. There are no independent witnesses. They also submit that the appellants were on bail during the course of trial. There are no criminal incidents. There is a possibility of their success in the appeal. The appeal will take enough time in its hearing, and if the appellant's jail sentence is not suspended, the appeals get rendered infructuous.

4. The submissions are strongly opposed by Ms. Shubhi Gupta, learned APP for the State, and she submits that the appellants have already been convicted. There is no reason to interfere into the impugned judgment of conviction and sentence.

5. Having heard the learned counsel for the parties and having regard to the overall facts and submissions, this Court finds that the instant is a case of fixed sentence. In ***Aasif alias Pasha v. State of U.P. and Ors.***,¹ the Supreme Court noted the distinction between a fixed time sentence and those which are for life. For the former category of offences, the Court noted that a plea seeking suspension of sentence ought to be considered liberally unless there are exceptional circumstances. Further, it was held that when the Appellate Court finds that due to practical reasons such appeals cannot be disposed of expeditiously, the Appellate Court must show special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. The precise formulation of the Supreme Court in the said case was *“only if there are any compelling circumstances on record to indicate that the release of the appellant would not be in public interest”* that the suspension ought to be rejected.



6. Even otherwise, *prima facie* perusal of the findings and the material available on record would indicate that there are some inconsistencies in the prosecution case that will require reconsideration by the appellate Court. The prosecution has not cited any independent witnesses, though the incident had occurred in a public park.

7. Bearing in mind the overall facts and circumstances, the appellants' jail sentence shall remain suspended subject to deposition of the fine amount and other terms and conditions which the trial Court will impose.

CRL.A. 711/2026

CRL.A. 746/2026

CRL.A. 789/2026

List on 24.03.2027.

PURUSHAINDRA KUMAR KAURAV, J

AUGUST 19, 2026/P/ar

¹ 2025 SCC OnLine SC 1644.