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

+ CRL.A. 1165/2017

AJAY @ LARA

..... Appellant

Through: Mr Sunil Sharma, Advocate
(DHCLSC).

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms Meenakshi Chauhan, APP for
State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **31.10.2019**

1. The appellant has filed the present application, *inter alia*, praying that the sentence awarded to the appellant be suspended till the hearing of the captioned appeal.
2. It is contended by the learned counsel appearing for the appellant that the appellant had not been identified by the complainant and further, the Trial Court had also doubted the recovery made. He further submitted that the other co-accused have been released on bail. He submits that the case of the appellant stands on better footing than the other co-accused since the amount allegedly recovered from the appellant is only ₹1,50,000/- whereas ₹3,50,000/- had been recovered from the other co-accused. In addition, he states that the appellant has no criminal antecedents whereas the other co-accused was involved in other cases as well.
3. It is seen that the appellant has already served actual custody of more

than three years and has also earned remission of approximately nine months. Thus, out of the period of seven years, the appellant has already served more than four years. It is unlikely that the present appeal can be heard shortly.

4. Considering the above, this Court considers it apposite to suspend the sentence till hearing of the appeal. The appellant shall be released on furnishing a Personal Bond in the sum of ₹50,000/- with one surety of an equivalent amount to the satisfaction of the Jail Superintendent. He shall also provide his mobile number to the jail authorities and ensure that it is reachable at all times. He shall confine himself to the National Capital Territory of Delhi and to the State of Haryana and shall not leave the said territories without prior information to the jail authorities.

5. The application is allowed in the aforesaid terms.

VIBHU BAKHRU, J

OCTOBER 31, 2019
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