

**CRM-35399-2021 &
CRA-D-821-DB-2017**

JITENDER @ KUKU V/S STATE OF HARYANA

WITH CRA-S-3181-SB-2017

JITENDER @ KUKU V/S STATE OF HARYANA

WITH CRWP-450-2020

JATINDER V/S THE STATE OF HARYANA AND OTHERS

Present: Mr. Ramesh Hooda, Advocate
for the applicant-appellant.

Ms. Shubhra Singh, Addl. A.G. Haryana,
for the State.

CRM-35399-2021 in CRA-D-821-DB-2017

Prayer in this application is for suspension of sentence of the applicant-appellant-Jitender @ Kuku son of Jagjeet Singh during the pendency of the appeal.

Custody certificate of the applicant-appellant has been received from the counsel for the State of Haryana, which is taken on record, according to which, the total actual custody period of the applicant-appellant is 7 years and 2 months and the actual custody period of the applicant-appellant, after conviction, is 4 years, 4 months and 11 days.

It is the contention of the learned counsel for the applicant-appellant that the appeal is not likely to be heard in near future in the prevailing circumstances. He further contends that earlier the appeal has been ordered to be listed but despite that, the same could not be decided.

He, therefore, prays that keeping in view the fact that the applicant-

appellant is in custody for the last more than 7 years, the sentence of the applicant-appellant be suspended during the pendency of the appeal. It has also been pointed out, with reference to the custody certificate, that the applicant-appellant has availed of parole of five months and during that period, there has been no untoward incident and, therefore, he be granted the benefit of suspension of sentence during the pendency of the appeal.

On the other hand, learned counsel for the State has opposed the prayer made in the application by asserting that the applicant-appellant is the sole accused, from whom the recovery of 10 years old boy, who had been kidnapped, was effected. However, the custody period of the applicant-appellant and the fact that during the parole period, which has been availed of by the applicant-appellant, there has been no untoward incident, could not be disputed by her.

Having considered the totality of the facts and circumstances of the case and keeping in view the aspect that the applicant-appellant is in custody for more than 7 years with the appeal not likely to be heard in near future and also the conduct of the applicant-appellant during the period of his custody, we accept the prayer made in this application and suspend the sentence of the applicant-appellant during the pendency of the appeal.

The sentence of applicant-appellant-Jitender @ Kuku son of Jagjeet Singh is suspended during the pendency of the appeal. He is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Rohtak.

Application stands allowed.

CRA-D-821-DB-2017, CRA-S-3181-SB-2017 & CRWP-450-2020

The appeals and the writ petition are ordered to be listed on the

CRM-35399-2021 & CRA-D-821-DB-2017
and connected cases

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Regular Board in the month of September, 2022.

Photocopy of this order be placed on the files of connected cases.

(AUGUSTINE GEORGE MASIH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

May 10, 2022
pj