



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**1014 CRIMINAL APPLICATION NO. 702 OF 2025
IN APPEAL/119/2025**

Sukhjyotsingh s/o Charanpalsingh Brar

VERSUS

The State of Maharashtra

...

Advocate for Applicant : Mr. Abhaysinh K. Bhosle

APP for Respondents-State: Mr. P. P. Dawalkar

...

CORAM : ARUN R. PEDNEKER, J.

Dated : June 19, 2025.

PER COURT :-

1. Heard the learned Counsel for the applicant and the learned APP.
2. The present application is filed by the original accused for suspension of the substantive sentence imposed upon him in Sessions Case No. 194 of 2022, dated 28/11/2024, by the learned Extra Joint Additional Sessions Judge-1, Nanded, District Nanded.
3. The applicant has been convicted as follows : -

"1. The accused No.1 Gurumanrajsingh Daljitsingh Age: 32 years, Occupation: Labour, R/o Brotiwala Mohalla, Sector 78, Sohana, Sas Nagar Punjab and accused No.2 Sukhjyotsingh Charanpalsingh Barar, Age: 35 years, Occupation: Labour, R/o Baba Munida, Gurudwara Ghallor, Tah. Bagapurana Punjab, Dist. Mogha are hereby convicted as per section 235(2) of Code of Criminal Procedure of the offence punishable under section 307 r.w. 34 of the Indian Penal Code and sentenced to suffer R.I. for 10 Years each, and to pay fine of Rs. 5,000/- (Rs. Five Thousand) each in-default to suffer R. I. for ONE month.

2. Above all substantive sentences shall run concurrently.

3. Set off for the period from 16-06-2022 till today i.e. two years Five Months under section 428 of Code of Criminal Procedure be given

to the accused.

4. Seized muddemal property, i.e. Krupan be sent to District Magistrate, Nanded for its disposal according law and rest of the muddemal property, being worthless, be destroyed after the appeal is over.

5. Total fine amount if recovered from both accused, be paid to informant/victim in view of section 357(1) of Code of Criminal Procedure, 1973.

6. Bail bonds of accused (if any) shall surrender.

7. In view of section U/s. 363(1) of Cr. P. C. 1973, copy of judgment be given to the accused free of costs forthwith....."

4. The learned Counsel for the applicant submits that an appeal has already been filed. He further submits that the injuries noted in paragraph No. 21 of the judgment are as follows :-

"1. Stab wound over left side of chest of 1 cm x 1 cm x 1 cm.

2. Stab wound over left side of chest of 1 cm x 1 cm x 2 cm.

3. Stab wound on posterior aspect of right arm of size 1 cm x 1 cm x 1 cm.

4. Stab wound over right side of upper back of size 1 cm x 1 cm x 2 cm.

5. Stab wound over anterior aspect of left arm of size 1 cm x 1 cm x 1 cm. 6. Stab wound of size 2 cm x 1 cm x 1 cm over left wrist."

5. The learned Counsel further submits that except for two wounds which are 2 cm deep, the injuries are mostly superficial. He submits that

the victim is now out of danger and that the incident occurred due to a dispute over non-payment of Rs. 500/- towards consumption of narcotics. He also points out that the applicant has already undergone imprisonment for more than three years and that the appeal will take considerable time for final hearing. He submits that the fine amount has been deposited.

6. The learned APP opposes the application and submits that the offence is serious and the applicant does not deserve bail.

7. Considering the submissions of both sides, the period of sentence already undergone, the fact that the appeal will take time to conclude, and the circumstances in which the incident occurred, this Court is of the view that the applicant has made out an arguable case for suspension of sentence and grant of bail, subject to conditions.

ORDER

- 1) The application stands allowed.
- 2) The substantive sentence imposed on the applicant/appellant in Sessions Case No. 194 of 2022, dated 28/11/2024, by the learned Extra Joint Additional Sessions Judge-1, Nanded, District Nanded, is hereby suspended until final hearing and disposal of Criminal Appeal No. 119 of 2025.
- 3) The applicant/appellant Sukhjyotsingh s/o Charanpalsingh Brar shall be released on his executing a P.R. bond of Rs. 30,000/- (Rupees

Thirty Thousand only) with two sureties of Rs. 15,000/- (Rupees Fifteen Thousand only) each.

4) The applicant/appellant shall not commit any criminal offence during the pendency of the appeal.

5) The applicant/appellant shall remain present before the learned Trial Judge once in every six months until final disposal of the appeal, starting from the date he submits bail papers. The Trial Judge shall fix dates for his subsequent appearances.

6) In case of two consecutive defaults in appearing before the Trial Court, the Trial Court shall inform this Court accordingly, and the prosecution shall be at liberty to file an application for cancellation of bail.

7) Bail to be furnished before the Trial Court.

(ARUN R. PEDNEKER, J.)

vj gawade/-.