Rajesh Khachi & Ors. Vs State of H.P.

Cr. Appeal No.90 of 2024.

28.10.2026 **Present:** Mr. Anubhav Chopra, Advocate, for the appellants-applicants.

Mr. Raj Negi, Deputy Advocate General, for respondent-State.

Cr.M.P. No.4561 of 2026.

This application has been filed on behalf of the applicants-appellants praying for temporary suspension of sentence awarded to them as they want to perform first death anniversary of deceased Smt. Reeta Khachi, who was the wife of applicant/appellant No.1 and mother of applicants/ appellants No.2 and 3, ritual of which shall be commenced w.e.f. 06.11.2026 and Havan is scheduled on 13.11.2026.

2. Status report stands filed.

3. From the record, it is apparent that all the three applicants have already enjoyed parole recently w.e.f. 14.08.2026 till 11.09.2026 and the first death anniversary ceremony of the deceased wife of the applicant/appellant No.1 and mother of applicants/appellants No.2 and 3 is not a sudden circumstance, which caused the applicants to file the

present application within about one month of their enjoying the parole period, therefore, this application, deserves to be rejected, as the applicants/appellants should have planned their parole period accordingly so as to enable them to make preparation and arrangement of first death anniversary ceremony of deceased wife of applicant/appellant No.1 and mother of applicants/appellants No.2 and 3, however, taking a humanitarian view and also taking into consideration the submissions made in the application on behalf of the applicants/appellants particularly confining the prayer for temporary suspension of sentence in favour of elder son of the deceased Smt. Reeta Khachi, i.e. applicant/appellant No.2 Rohan Khachi, who had also performed the last rites of deceased mother, we are of the opinion that it would be in the interest of justice to permit appellant No.2 Rohan Khachi to enlarge on bail by temporarily suspending his sentence by giving a reasonable time for arrangement as well as to perform the death anniversary ceremony and Havan, as referred supra.

4. Accordingly, as prayed, the sentence of Mr. Rohan Khachi (applicant/appellant No.2), being the

elder son of deceased is suspended temporarily w.e.f. **2nd of November, 2026 till 17th November, 2026**, subject to furnishing of a personal bond in the sum of Rs.1,00,000/- (One Lac only) with one surety in the like amount to the satisfaction of learned Trial Court, undertaking therein to abide by the following conditions and also to surrender before concerned Jail Authority on or before the expiry of period of temporary suspension of sentence:

1) He shall surrender on or before **04:00 P.M. on 17.11.2026,** before the Superintendent Jail, from where he shall be enlarged on bail.

2) He shall not visit any other place, except where his presence is required in relation to the arrangement and performance of the annual death anniversary ceremony of his mother and works incidental and ancillary thereto.

3. He shall not indulge in any unlawful activities during the period of his suspension of sentence.

5. Keeping in view the fact that there is first death anniversary ceremony of the wife of applicant-appellant No.1 and mother of applicants/appellants No.2 and 3, the concerned Jail Superintendent is also directed to exercise his discretion, if there is no adverse report with respect to the conduct of the

applicant/appellant No.1 (Rajesh Khachi) and applicant/appellant No.3 (Raman Khachi), to extend them benefit of emergency parole/furlough for one or two days as deemed appropriate in given circumstances, as provided in Chapter XIX under clauses 19.02, 19.03.1 and 19.04 or 19.05 as the case may be of the Prison Manual 2021 for the Superintendence and Management of Jails in Himachal Pradesh and if so required by making arrangement for police protection well in advance and the Superintendent of Police is also directed to provide necessary police officials to enable visit of applicant/appellants No.1 and 3, on emergency parole, the expenses whereof shall be borne by the applicants No.1 to 3.

6. Application is allowed and disposed of in aforesaid terms.

(Vivek Singh Thakur)
Judge

28th October, 2026
(sanjeev)

(Bhupesh Sharma)
Judge