HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Suspension Of Sentence Application No. 2003/2026
CNR: RJHC020899262026 | URN: SOSA / 3576U / 2026

In

D. B. Criminal Appeal No.394/2026

Harpal Tanwar @ Kalu Son Shri Girdhari Lal, Aged About 30 Years, Resident of Dinwa-Jatan, Police Station- Laxmangarh, District Sikar, Raj.
(Presently confined in Central Jail, Bikaner)

---Accused-Applicant-Appellant

Versus

State of Rajasthan, Through Public Prosecutor.

----Respondent

For Applicant(s)	:	Mr. Babu Lal Nasuna with Mr. Prem Prakash
For Respondent(s)	:	Mr. Rhishi Raj Singh Rathore, PP

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

19/11/2026

This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the accused-applicant (for brevity, "the applicant") who has been convicted and sentenced by the learned Additional Sessions Judge, Laxmangarh, District Sikar (for short, 'the learned trial Court') vide judgment dated 24.08.2026 passed in Sessions Case (CIS) No.20/2025, as under:-

Section 103(1) of Bhartiya Nyaya Sanhita (BNS): Life imprisonment and fine of ₹25,000/-; in

Digitally signed by
RITU REHJA
Date: 2026.11.19
17:34:54 IST

default whereof, two months' additional rigorous imprisonment.

Learned counsel for the applicant submits that the case is based on direct evidence but all the material eye witnesses, namely, Girdhari (PW-1), Bimla (PW-2) and Sita (PW-3) have turned hostile and have not supported the prosecution case. He further contends that his conviction has been recorded on the strength of recovery of a blood stained *lathi* at his instance but the prosecution did not prove the blood grouping. Learned counsel contends that he was on bail during trial, hearing of the appeal is likely to take time and prays that the application for suspension of sentence be allowed.

Per contra, learned Public Prosecutor opposed the submissions and prayed for dismissal of the application.

Heard. Considered.

A perusal of the material on record reflects that all the three eye witnesses, i.e. PW-1, PW-2 and PW-3, the father, mother and wife of the deceased, respectively, have turned hostile and have not supported the prosecution case. Though, a blood stained *lathi* was recovered at applicant's instance but without any blood grouping. The applicant was on bail during trial with no allegation of its misuse. In view thereof, we deem it just and proper to allow the suspension of sentence application.

Resultantly, the suspension of sentence application is allowed. Substantive sentence awarded to the applicant- **Harpal Tanwar @ Kalu S/o Shri Girdhari Lal** by the learned trial Court vide judgment dated 24.08.2026 shall remain suspended during pendency of the appeal and he shall be released on bail provided

he furnishes bail bonds to the satisfaction of the learned trial Court to the effect that he shall appear before this Court on 21.12.2026 and as and when called upon to do so till disposal of the appeal and subject to the following conditions:-

1. That he will appear before the learned trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant changes the place of residence, he will give in writing his changed address to the learned trial Court as well as to his learned counsel in the High Court who shall, in turn, inform this Court.
3. Similarly, if the sureties change their address(es), they will give in writing their changed address to the learned trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file. Such file be registered as Criminal Misc. Case relating to original case in which the accused-applicant was tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of the case in the learned trial Court. In case, the said accused-applicant does not appear before the learned trial Court, the learned trial Judge shall report the matter to the High Court for cancellation of benefit extended by this order.

(BHUWAN GOYAL),J (MAHENDAR KUMAR GOYAL),J

Crt_3/D-A/22/Ritu